

Historic, archived document

Do not assume content reflects current scientific knowledge, policies, or practices.

LEGISLATIVE HISTORY

Public Law 86-299
S. 2504

TABLE OF CONTENTS

Index and summary of S. 2504	.1
Digest of Public Law 86-299	..2

INDEX AND SUMMARY OF S. 2504

- July 1, 1959 S. 2323 was introduced by Sen. Young, N. Dak. and was referred to the Senate Agriculture and Forestry Committee. Print of bill as introduced.
- Aug. 7, 1959 S. 2504 was introduced and discussed by Sen. Mundt and was referred to the Senate Agriculture and Forestry Committee. Print of bill as introduced and remarks of Sen. Mundt.
- Aug. 10, 1959 H. R. 8578 was introduced by Rep. Burdick and was referred to the House Agriculture Committee. Print of bill as introduced.
- Aug. 13, 1959 Senate committee voted to report S. 2323 and S. 2504. x
- House subcommittee voted to report H. R. 8578.
- Aug. 14, 1959 Senate committee reported S. 2323 without amendment, S. Report No. 723; and S. 2504 without amendment, S. Report No. 724. Print of bills and reports.
- Aug. 19, 1959 Senate passed S. 2323 without amendment.
- Senate passed over S. 2504 at the request of Sen. Hart.
- House committee voted to report H. R. 8578.
- Aug. 20, 1959 S. 2323 was referred to the House Agriculture Committee. Print of bill as referred.
- Aug. 26, 1959 Senate passed S. 2504 without amendment.
- Aug. 27, 1959 S. 2504 was referred to the House Agriculture Committee. Print of bill as referred.
- Aug. 31, 1959 House committee reported H. R. 8578 with amendment. H. Report No. 1083. Print of bill and report.
- Sept. 4, 1959 House committee reported S. 2504 with amendment. x
H. Report No. 1149. Print of bill and report.
- Sept. 7, 1959 House passed H. R. 8578 as reported.
- Sept. 8, 1959 House passed S. 2504 as reported.
- H. R. 8578 was referred to the Senate Agriculture and Forestry Committee. Print of bill as referred.

INDEX AND SUMMARY OF S. 2504, cont'd:

Sept. 10, 1959 Senate concurred in House amendment to S. 2504.

Sept. 21, 1959 Approved: Public Law 86-299.

Hearing: Senate Agriculture and Forestry Committee held
 an **executive** hearing on S. 2504 on August 13,
 1959.

DIGEST OF PUBLIC LAW 86-299

SALE OF FEED GRAINS IN EMERGENCY AREAS. Authorizes the Secretary of Agriculture to sell, at current support prices, any CCC-owned wheat, corn, oats, barley, rye, or grain sorghums to provide feed for livestock in any area determined by him to be an emergency area. Provides that the Secretary may, after certification by the Governor of the State in which such area is situated of the need therefor, designate an area as an emergency area for this purpose if he determines that, as a result of flood, drought, hurricane, tornado, earthquake, or other catastrophe including disease or insect infestation, there is a shortage of feed for livestock in such area. Imposes penalties for the misuse of grain acquired under this authority.

IN THE SENATE OF THE UNITED STATES

JULY 1, 1959

Mr. YOUNG of North Dakota (for himself and Mr. LANGER) introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

A BILL

To amend the Soil Bank Act so as to authorize the Secretary of Agriculture to permit the harvesting of hay on conservation reserve acreage under certain conditions.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 107 (a) (3) of the Soil Bank Act is amended
4 by inserting before the period at the end thereof a comma
5 and the following: "and except that the Secretary may
6 authorize the producer to harvest hay on such acreage if,
7 after certification by the Governor of the State in which
8 such acreage is situated of the need therefor, the Secretary
9 determines that it is necessary to permit such harvesting
10 in order to alleviate damage, hardship, or suffering caused
11 by severe drought, flood, or other natural disaster".

A BILL

To amend the Soil Bank Act so as to authorize the Secretary of Agriculture to permit the harvesting of hay on conservation reserve acreage under certain conditions.

By Mr. YOUNG of North Dakota and Mr.
LANGER

JULY 1, 1959
Read twice and referred to the Committee on
Agriculture and Forestry

on the other side of the unguarded border between our countries.

UNIFORM TRAFFIC LAWS

The operation of motor vehicles on the highways of the United States and Canada continues to increase and, with the growth of motor travel, the need for a uniform set of laws regulating their use becomes more obvious as a deterrent to accidents: Therefore be it

Resolved, That Kiwanis International recommends that steps be taken in the United States and Canada to standardize the traffic laws within the various States and Provinces by the adoption of a code of uniform traffic laws.

LABOR-MANAGEMENT

Intelligent, aggressive, and seviceable citizenship requires the assumption of equal responsibility by all, and Kiwanians recognize a duty to help preserve and maintain our basic system of free enterprise: Therefore be it

Resolved, That Kiwanis Clubs constantly strive to help in the development of friendly, efficient, and cooperative relationships between management and labor, and plan and carry out activities which will demonstrate the value of the free enterprise system and tend to emphasize the importance of full co-operation and assumption of equal responsibility between these two interdependent factors in our economic system.

CONTINUITY OF GOVERNMENT

The establishment of emergency lines of succession of Government officials, in all three branches and at all levels, is the initial step for assuring perpetuation of our democratic form of government.

The preservation of vital records is essential in the preservation of private rights and continued operation of government.

The creation of emergency relocation sites for government is essential for continuing operation of government in emergency.

Government must make full use of all its resources—manpower, facilities, and equipment—augmented by non-Government volunteer resources as needed: Therefore be it

Resolved, That the clubs and members of Kiwanis International support this continuity of government program; and be it further

Resolved, That Kiwanians and clubs in Kiwanis International urge the early adoption of the essential enabling State legislation in order that this program may be implemented with least delay.

NATIONAL SHELTER POLICY

The Office of Civil and Defense Mobilization has conducted exhaustive studies and tests with respect to protective measures to safeguard our citizens against the effects of nuclear weapons.

These several analyses have indicated that there is a great potential for the saving of life by fallout shelters.

In the event of nuclear attack on this Nation, fallout shelters offer the best single nonmilitary defense measure for the protection of the greatest number of people: Therefore be it

Resolved, That Kiwanis International support the National Shelter Plan by drawing public attention to this program and by urging citizens to prepare their homes against the threat of fallout.

To effectuate this program, it is recommended that the facilities of the Office of Civil and Defense Mobilization be fully employed.

INTERNAL SECURITY

Adequate national internal security will materially increase the protection of the United States and Canada and will aid in the preservation of our freedoms. Constant attention to the revision of existing legislation and the enactment of new and uniform laws is ever needed: Therefore be it

Resolved, That Kiwanis International recommends to the members of the legislative bodies of the United States and Canada that such legislation be enacted as is necessary to strengthen and standardize the internal security of the citizens of our two nations and to protect and preserve the individual freedoms of our citizens.

GOVERNMENT WASTE

The terrifying totals in cost of government, at all levels, has long since ceased being a mere topic of discussion. Individuals, groups, and associations in practically all phases of our economy have decried the mounting costs, but they continue.

The Hoover Commission recommended specific measures by which the cost of Government could be lowered and efficiency raised. For the most part, these proposals have been relegated to the stockpile of shameful disuse.

From within our countries, increasing demands emanate from groups of political significance, but from groups whose motives justifiedly give rise to a genuine question of a fair understanding of the true and correct position of Government and who, either from selfish greed or ill-advised promptings, labor under the misapprehension that that which is given or doled out by Government is free.

It is recognized and accepted that legitimate demands upon Government, when accompanied by conscientious and efficient servicing of such demands, do constitute primary functions; but these legitimate demands have been inundated by watered disguises of governmental functions at costs which have raised the national debt to a record high.

Moreover, certain recently acquired functions of Government have given emphasis to the debasement of the monetary base of our economies by permitting, if not encouraging, continuing inflation, statements to the contrary notwithstanding.

Waste in and by Government, inflation, socialization of workers, earbending to powerful but selfishly motivated blocs and groups, ill-conceived and ill-executed aid programs within and without our countries are proving to be imbued with death-dealing qualities to our free enterprise system—our way of life: Therefore be it

Resolved, That under well planned, organized, and efficiently executed programs, Kiwanians in our countries, both on an individual basis and through legal means under the constitution and bylaws of Kiwanis International, should:

1. Assume direct responsibility to match their interest in our basic freedoms against the avarice of those who are seeking beneficence without obligation.

2. Express themselves to their governmental representatives by demanding a return to soundness of freedom's principles proven to be capable of providing dignified growth to those willing to share responsibility with opportunity.

3. Steadfastly resist further encroachment upon these principles by action of government at any level.

4. Forever clear the path for continuation of good government, sound fiscal policies, and good money by the employment of sound political and economic principles.

WIDENING HORIZONS

Gratifying as has been the growth in Kiwanis membership and clubs, the real measure of our progress is in the broadening of activities implementing the leads and constitutional objects of Kiwanis International.

If, "by their works ye shall know them," then Kiwanis today is known not for its numbers but for the contributions made to the life of our communities in the name of Kiwanis.

Over the years many activities have become an integral part of the organization's program: Therefore be it

Resolved, That we hereby rededicate ourselves to the sponsoring of activities relating to agriculture and conservation, blood donor services, senior citizens, safer living, citizenship responsibility, and mentally and physically handicapped and pledge our continuing and ever-expanding efforts in their promotion.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MUNDT:

S. 2504. A bill to authorize the sale at market prices of agricultural commodities owned by the Commodity Credit Corporation to provide feed for livestock in areas determined to be emergency areas, and for other purposes; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. MUNDT when he introduced the above bill, which appear under a separate heading.)

By Mr. SYMINGTON:

S. 2505. A bill to amend the Federal Food, Drug, and Cosmetic Act to permit the temporary listing and certification of F.D. & C. Yellow Nos. 3 and 4 for coloring edible fat under tolerances found safe by the Secretary of Health, Education, and Welfare, so as to permit continuance of established coloring practices in the edible fat industries pending congressional enactment of general legislation for the listing and certification of food color additives under safe tolerances; to the Committee on Labor and Public Welfare.

By Mr. HENNINGS:

S.J. Res. 128. Joint resolution to establish a commission to formulate plans for a memorial to James Madison; to the Committee on Rules and Administration.

(See the remarks of Mr. HENNINGS when he introduced the above joint resolution, which appear under a separate heading.)

FEED FOR LIVESTOCK IN EMERGENCY AREAS

Mr. MUNDT. Mr. President, I introduce, for reference to the appropriate legislative committee, a bill designed to amend the Agriculture Act of 1949, authorizing the sale at market prices of agricultural commodities owned by the Commodity Credit Corporation, to provide feed for livestock in areas determined to be emergency areas, and making certain changes in the Soil Bank Act, to allow hay harvest on reserve acres for livestock feeding purposes.

This bill has been drafted to provide the Secretary of Agriculture with the necessary statutory authority to meet a critical feed situation which currently exists in many counties throughout my home State of South Dakota. South Dakota has been hit by severe drought conditions, and it appears certain that the production of corn and other feed grains is going to be far below the normal annual volume. Feed grain producers, anticipating this low harvest, are holding in storage corn and other feed grains, which would normally be moving into the market. This retention of feed from the market is occurring for at least two reasons. First, many South

Dakota feed grain producers are also engaged in livestock production. Normally these farmers feed a portion of their crop, and move the remainder into the grain markets. However, this year the portion of last year's crop that would normally be marketed is being held, for it will be required to meet their own feeding needs. Second, other commercial feed grain producers are, undoubtedly, holding a portion of last year's crop in storage, awaiting a more favorable market price.

The unfortunate result of this retention of feed by producers is that there is simply no feed available for purchase in many drought-stricken areas at the normal markets. Thus, livestock feeders and producers who are not diversified and who do not raise their own feed are not able to purchase their feed requirements.

I have received numerous letters from livestock men and farmers who request that the surpluses owned by the Commodity Credit Corporation be made available for purchase at the existing market prices. I am advised that Commodity Credit Corporation has approximately 44 million bushels of corn in storage in South Dakota. I have been in conference with officials from the Department of Agriculture, and I have been urging the Department to make available this feed for purchase by bona fide livestock producers. The Department indicates that under the present law the Secretary is prohibited from complying with our request, since such action on his part would be contrary to the statutory requirements contained in section 407 of the Agriculture Act of 1949.

Section 407 contains the statutory restrictions on sales by the Commodity Credit Corporation. This section generally provides that the Corporation cannot sell any basic agricultural commodity or storable nonbasic commodity at less than 5 percent above the current support price for such commodity, plus reasonable carrying charges. There are certain specific exceptions to this general restriction, permitting sales at lower prices; however, I am advised that the conditions in South Dakota do not meet the prerequisite criteria for the invocation of these exception procedures. It is patently obvious that livestock producers and feeders cannot afford to pay the premium prices for feed, which are required under the existing statutes. It is equally obvious that the current feed shortage cannot persist much longer without causing irreparable damage to the livestock industry in South Dakota. The feed shortage is so severe in some areas of the State that producers are sincerely fearful of depredation of foundation herds. Should this tragedy occur, it would be a matter of years before the South Dakota livestock industry would be fully recovered.

To meet the urgent needs of the South Dakota livestock industry, resulting from the market shortage of feed, I am introducing this bill, which is designed to give the Secretary of Agriculture the necessary powers to make feed available for purchase at existing market prices and to allow livestock producers

who have conservation reserve contracts to harvest hay from reserve acres.

Section 1 of the bill authorizes the Secretary of Agriculture to sell at market prices any wheat, corn, oats, barley, rye, or grain sorghums owned by the Commodity Credit Corporation, to provide feed for livestock, including hogs, in any area determined by him to be an emergency area. Section 2 of the bill defines an emergency area for the purposes of this bill as any area where flood, drought, hurricane, tornado, or other catastrophe results in a shortage of feed for livestock feeding purposes.

Section 3 provides that before the Secretary can sell feed grains at market prices, as allowed by this bill, the Secretary must be satisfied that the buyer is unable to obtain sufficient feed through normal market channels, without undue financial hardship. Section 3 further requires that the buyer must agree to use the feed grains only for livestock feeding purposes. This agreement is to insure that the feed will not be used in a manner that would subvert the emergency purposes of the act.

In order to further protect against misuse of this feed, section 4 of my bill contains a penalty provision. This section allows the Secretary to take action against any buyer who abrogates his agreement, and to recover in a civil suit a penalty equal to, but not in excess of, the market value of the feed grains involved.

Section 5 of my bill provides another means by which livestock producers and feeders can help themselves during a period of feed shortage caused by drought. This section amends the Soil Bank Act, so as to give the Secretary of Agriculture the authority to allow the harvesting of hay on reserve acres which are under contract. This permission could be granted by the Secretary, following a certification by the Governor of the State that the hay harvest is required in order to alleviate damage, hardship, or suffering caused by severe drought, flood, or other natural disaster. This provision is by no means a giveaway program, for I am advised that the Secretary already has the authority to require a corresponding diminution in soil bank payments, in return for allowing hay harvesting from reserve acres. In other words, the decision would rest with the producer as to whether to accept the payments and purchase his feed elsewhere, or to surrender a portion of his payments and harvest the hay on his reserve acres.

This section is identical to the provisions contained in Senate bill 2323, recently introduced by the able agricultural authority from North Dakota, Senator Young. Senator Young has received enthusiastic support for his bill from many farmers in North Dakota. His bill is a perfect complementary provision to the first four sections of my bill, for it provides an additional and entirely different program by which livestock producers can protect themselves from the stark ravages of drought.

It is not the objective of my bill to overturn carefully considered congres-

sional policy with respect to sales of Commodity Credit Corporation stocks. Neither is it the intention or purpose of this measure to disrupt or adversely effect normal marketing channels. This bill provides a strictly extraordinary procedure which may be employed by the Secretary of Agriculture to protect the livestock industry during times of emergency such as that which exists in the drought-stricken counties of South Dakota. This bill is carefully limited in scope and operation.

I have purposefully restricted my comments on the drought and the feed shortage to conditions in South Dakota, because I have firsthand knowledge of, and am intimately acquainted with, the critical situation in my home State. But the problems I have discussed are certainly not presently restricted to the State of South Dakota. They have not been in the past, and they will not be in the future. These problems have confronted, and will continue to confront, all areas of the Nation which have heavy livestock production. I am certain that the dreadful ravages of drought are still fresh in the memories of my able colleagues from the great livestock-producing States of Texas and Oklahoma. Had Congress previously amended the law as I now propose, much of the depredation of the southwestern cattle herds could have been prevented. Therefore, I make this plea, not for South Dakota alone, but in behalf of every livestock producing area in the United States.

I feel certain that when Congress enacted the Agriculture Act of 1949, it was intended that the Secretary of Agriculture should have the authority to ignore the general statutory restrictions on Commodity Credit Corporation sales when emergency conditions demanded the release of CCC surpluses at normal market prices. Unfortunately, this congressional intent was not clearly enough spelled out in 1949. It is vitally important that we act now to remedy this deficiency in the law. Enactment of this bill, which vests this extraordinary authority in the Secretary of Agriculture, is urgently needed by the South Dakota livestock industry. I hope the 36th Congress will not ignore this emergency situation, but will move quickly to enact this legislative proposal.

Mr. President, while the present critical feed shortage situation is limited to South Dakota, it is obvious that legislation such as that which I am now proposing is needed because at various times as these problems affect many other parts of the country, including the great States of Texas and Oklahoma. So, Mr. President, in introducing this bill, I am doing so not only in behalf of my own State of South Dakota, but also in behalf of every livestock producing area in the United States.

Mr. President, at times the legislative intent of Congress runs contrary to the caprices of nature. But certainly the legislative intent in connection with the Agricultural Act of 1949 was to be of benefit to agriculture generally in the United States, and not to be detrimental to any segment of American agriculture

in time of emergency or drought. So I think the enactment of a bill of the kind I have today introduced will make positive that when we enact legislation to be of benefit to the overall agricultural industry, it will not do injury to areas suffering from drought, flood, or other natural disasters. I hope Congress will approve my emergency bill before we adjourn this month or next.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2504) to authorize the sale at market prices of agricultural commodities owned by the Commodity Credit Corporation to provide feed for livestock in areas determined to be emergency areas, and for other purposes, introduced by Mr. MUNDT, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

COMMISSION TO FORMULATE PLANS FOR A MEMORIAL TO JAMES MADISON

Mr. HENNINGS. Mr. President, an appropriate memorial for James Madison, scholar, patriot, author of our Bill of Rights, and fourth President of the United States, is long overdue. For his outstanding efforts in the formulation of our Constitution, and for his dedication to the protection of individual freedom and rights, this Nation owes him the deepest gratitude.

I therefore introduce, for appropriate reference, a joint resolution providing for a commission to formulate plans for a Madison Memorial to be located in the Nation's Capital. The commission is to give particular study to utilizing the majestic columns which have been removed from the old east front of the Capitol.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 128) to establish a commission to formulate plans for a memorial to James Madison, introduced by Mr. HENNINGS, was received, read twice by its title, and referred to the Committee on Rules and Administration.

AMENDMENT TO CONSTITUTION RELATING TO QUALIFICATION OF ELECTORS—ADDITIONAL SPONSOR OF JOINT RESOLUTION

Mr. JOHNSON of Texas. Mr. President, yesterday, as a result of an error made by the majority leader, the name of the senior Senator from Missouri [Mr. HENNINGS] was not listed as a cosponsor of Senate Joint Resolution 126, which was introduced by the senior Senator from Florida [Mr. HOLLAND], on behalf of himself and a number of other Senators.

I discussed this matter in some detail with the senior Senator from Missouri, and I thought I had listed his name with one of the aides of the Senate who was preparing the list of the names of the sponsors, to accompany the joint resolution. But I find, upon inquiry, that I did not list his name. That is an error

which I regret, and I am solely responsible for it.

Therefore, I ask unanimous consent that the name of the senior Senator from Missouri [Mr. HENNINGS] be added as a cosponsor of Senate Joint Resolution 126 and, further, that his name so appear on the joint resolution at its next printing.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, I should like to associate myself with, and be a cosponsor of, Senate Joint Resolution 126, which the distinguished Senator from Florida [Mr. HOLLAND] has introduced, but the details of which I did not know about, because I was not on the floor yesterday when it was introduced.

The PRESIDENT pro tempore. Without objection, the name of the junior Senator from Missouri will be added to the list of the names of the cosponsors of the joint resolution.

Mr. HOLLAND. Mr. President, let me state that I am very happy to have the distinguished junior Senator from Missouri [Mr. SYMINGTON] as a cosponsor of Senate Joint Resolution 126.

Let me say that I am also very happy to have his colleague, the distinguished senior Senator from Missouri [Mr. HENNINGS], as a cosponsor of the joint resolution.

We are very glad to have both of their names added to the joint resolution, as cosponsors of it.

Mr. SYMINGTON. I thank the Senator from Florida.

SETTLEMENT OF PENDING STEEL STRIKE—EXTENSION OF TIME FOR HOLDING CONCURRENT RESOLUTION AT DESK FOR ADDITIONAL COSPONSORS

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the time during which the concurrent resolution with reference to the steel strike (S. Con. Res. 69) which was submitted by me on last Tuesday, may lie on the table, be extended until Tuesday next, August 11, so that additional Senators may join in cosponsorship.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE APPENDIX

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Appendix, as follows:

By Mr. JOHNSON of Texas:

Article entitled "Education Revolution?" published in the Dallas Times-Herald of July 26, 1959.

Article entitled "Navarro County Will Get 100 Dams," published in the Fort Worth (Tex.) Star-Telegram of August 3, 1959.

Editorial entitled "Economics in the Kindergarten," published in the New Era Herald, of Hallettsville, Tex., on August 4, 1959.

Tribute to Brig. Gen. William L. Lee, published in the Amarillo Globe-Times of July 30, 1959.

Editorial entitled "Rehabilitation Center Assured," published in the Dallas Times-Herald of August 3, 1959.

Tribute to the late Mrs. Mary Norton, published in the Houston Post of August 4, 1959.

Article entitled "Texas Farmers Discuss Fears," published in the Dallas Times-Herald of August 4, 1959.

By Mr. HENNINGS:

Editorial entitled "An Accounting to Our Readers," written by Robert M. White II, new editor and president of the New York Herald Tribune.

By Mr. YARBOROUGH:

Editorial entitled "Saving the Bones," from the Washington Post and Times Herald of August 7, 1959, discussing the housing bill.

Editorial entitled "Seashore Politics," from the Washington Post and Times Herald of August 6, 1959, relating to the development of recreational areas, which will appear hereafter in the Appendix.

DANGERS INHERENT IN THE DOMESTIC SALE OF FOREIGN-PRODUCED STEEL

Mr. KEATING. Mr. President, an editorial in today's New York Times, entitled "If It Should Be a Long Strike," makes an important point which I should like to emphasize.

The point is one which I think has been largely overlooked. In recent months, the sales in the United States of foreign-produced steel have increased at an alarming rate. Should the strike continue beyond the point at which existing inventories of domestic steel are exhausted, then we might well be in for some real trouble. Strike-caused inroads of foreign producers on the American market for steel would represent a permanent and irreparable loss to the industry, the union, and the Nation as a whole. I think this is an important factor in the present steel tieup. It must not be treated lightly.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

IF IT SHOULD BE A LONG STRIKE

The nationwide steel strike, the sixth of its kind since World War II, entered its fourth week on Wednesday with no evidence of an early end to the deadlock.

It was common knowledge, of course, that the old contract between the industry and the steel workers' union was due to expire on June 30. The expiration date was subsequently put off an additional 2 weeks at the request of the President. That this would be an occasion for another shutdown of production by the major producers, moreover, was accepted as a strong possibility if not a probability by those familiar with the record of this strike-ridden industry. Users of steel acting on this assumption therefore started building up inventories early this year in anticipation of its July 1 deadline. According to the official figures of the American Steel Warehouse Association such stocks amounted to 3,700,000 tons the day the strike took effect in mid-July. This figure, which represents a tying up of \$750 million, is the highest on record.

It is also reported that when considered by types of steel these inventories are in most cases well balanced with respect to potential demand. What this means in terms of the impact of the strike is that if the latter is of

comparatively short duration it should be confined largely to the industry itself and its satellite activities such as the trains, trucks, and barges that haul ore and steel products and the miners who dig coal used in the making of steel. It seems to be widely agreed that the effect will be confined to this area unless the strike should pass the 60-day mark (about 5 weeks from now) and that it would have to run fairly close to 90 days before it would threaten a national crisis.

Should the shutdown approach this longer duration its result could be extremely serious for the economy. This is particularly true in the present case because of the vulnerability of the economy by virtue of two special factors. The first of these is the fact that at the time the strike was called we were just emerging from the most serious of the three postwar recessions to date. The economy had regained all the ground lost in the 1957-58 period of contraction and was setting new all-time highs in such key areas as industrial production and employment. Widespread cutbacks in production and employment could, many fear, by breaking the continuity of this rise, conceivably break the back of the present incipient boom.

The second is more of a long-term factor. Some persons are apprehensive about a trend of events that had been in progress for several months previous to the recent steel walk-out and which they feel could become more widespread and more permanent as a consequence of the strike. This has been the recent invasion of the American market for steel by foreign producers accompanied by a falling off of American exports. Exports of steel-mill production for the first 5 months of 1959 totaled 850,000 tons, down 37 percent from a year earlier. At the same time the imports rose by 224 percent to a figure of 1,500,000 tons.

This runs counter to all historical experience. A country's buying habits are slow to change but once they change the previous pattern is not easily restored. The danger that the strike poses is that it could have the effect of stimulating these changes in buying habits—to the lasting detriment of the industry and of those who depend upon it.

CANADIAN SUPPORT FOR CAPTIVE NATIONS WEEK

Mr. KEATING. Mr. President, the General Assembly of the Mutual Cooperation League of Canada, comprising representatives of nations now enslaved behind the Iron Curtain, recently drew up a declaration praising the action of Congress and President Eisenhower in proclaiming Captive Nations Week.

In their statement, these groups emphasized the truth that in order to achieve peace with justice, we must continue to work and pray for the liberation of the enslaved peoples now under the boot of the Soviets. It is not enough simply to proclaim and observe a special week devoted to their interests.

All of us in the free world must keep alive in our minds and hearts all year long the ideals and inspiration of Captive Nations Week. In this way, we shall remain true to the noble people trapped behind the Iron Curtain and we shall speed the day when they will once more walk in the sunlight of freedom.

Mr. President, I ask unanimous consent to have this declaration printed in the Record.

There being no objection, the declaration was ordered to be printed in the Record, as follows:

DECLARATION OF MUTUAL COOPERATION LEAGUE

We, undersigned, on the behalf of the named organizations, express our gratitude to the President of the United States and to the Members of the Senate and the House of Representatives of the United States of America, who initiated and proclaimed 1 week a year as the Week of Captive Nations. If the idea in democracy and freedom and belief in God is going to survive, not to be doomed by the dynamic Communist creed based on violence, the proclamation has to be supported and expanded in deeds on a more wide scale by the politicians and intellectuals in every free country and beyond them in the world; but

"Whereas many people glorify the framework of the United Nations Organization, yet, they do not strive to implicate the very contents of that Organization—the declaration of human rights, they even cooperate with the exporters of the oppression; and

"Whereas many people are sent by big prophets to propagate compassion, charity, humanity, and brotherhood, yet, they are callous to the cry for help; and

"Whereas many people are urging 'to settle all difference by talks,' yet, they are silent when it comes to talk; and

"Whereas many people aggrandize the achievements of brain, arms, and legs of the Soviet man, yet, they hide the prize paid for it and the inner feelings of a man."

Silence and misstatements at the time of crisis are equivalent to treason of the principles we cherish.

Therefore, celebrating the Week of Captive Nations is not enough to achieve peace with justice. The idea of human rights, the dignity of man, national independence, and freedom for every nation enslaved by the cruel dictatorship of Communist suppression must be put on the agenda of big-power talks and solved by the representatives of freedom's creed for their own sake too.

To advance or to fade out.

With the adherence to the principle of government of the people, by the people and for the people we are not alone. With us are those to whom the idea of democracy and freedom and belief in God is truly at heart. Most of all—on our side are the very Communist captive people and nations.

General Assembly, Mutual Cooperation League of Canada: M. Jakuberg, President; Enn Salurand, Secretary, Estonian Central Council in Canada; Vitalis Mukts, President, Latvian Relief Society in Canada; Bruno Sapiys, Secretary, Lithuanian Association in Canada; Wasil Bruch, Secretary, Association for the Liberation of Ukraine; Nikolajs Amber, Representative, Latvian National Federation; Sergei Chmara, President, Committee for Free Byelorussia; Alexander Kotelnikov, Secretary, Cossack National Federation; Louis Buncak, Executive Officer, Slovak Legion, Reg. Union in Canada; Mircea Petrini, President, Romanian Christian Movement; Ante Marcovic, President, United Croats of Canada; Eugene Tömöry, President, Hungarian Rakoczy Association; Vasili Tkachenko, Secretary, Ukrainian Hetman Organization; Alexander Petrenko, Publisher, Our Homeland Ukrainian Weekly.

EXCHANGE OF VISITS BY HIGH OFFICIALS OF THE UNITED STATES AND RUSSIA

Mr. CLARK. Mr. President, a few days ago I took the opportunity to attempt to place in perspective the visit to Russia by the Vice President and the Khrushchev-Eisenhower agreements for

conferences. In that effort, I was aided, I thought, by illuminating columns written by Mr. James Reston and Mr. Joseph Alsop.

This morning there is an editorial in the Washington Post entitled "Mr. Nixon and the Curtain," which, in my judgment, very fully and very clearly assesses the implications of the Vice President's trip. The views of the editorial are in accord with my own, and accordingly, I ask unanimous consent that it may appear in the Record at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

MR. NIXON AND THE CURTAIN

Vice President Nixon would be the first to warn that the effects of his trip to the Soviet Union must not be overestimated. He did not solve the Berlin crisis or transform the cold war into a chess game. For all his straight and earnest talk he did not win Mr. Khrushchev to Western views. To some extent his tour, and the news of the impending Eisenhower-Khrushchev exchange, overshadowed the hard work at Geneva where Secretary Herter had been laboriously trying to move a stone wall. Yet most Americans would agree that the Nixon visits to the Soviet Union and Poland were a great success even though the ultimate benefits can only be guessed.

In the first place, Mr. Nixon obtained an intimate appraisal of Mr. Khrushchev and was able to talk up to him in a way that few private citizens could equal. The Vice President was a well-briefed and articulate advocate. No doubt he found the Soviet leader a tough and unyielding customer who can be impressed chiefly with American strength and power. Mr. Nixon's experience can be helpful in gaging future American conduct. Likewise it is useful to have his judgment about the competence and dedication of Mr. Gomulka in Poland.

In the second place, as the first high American official to make such a trip since World War II, Mr. Nixon did manage to reach some way through the Iron Curtain. He and Mrs. Nixon talked with hundreds if not thousands of people in Moscow, Leningrad, and Novosibirsk; they were seen and heard by millions of others. At least some of what the Vice President had to say, with restraint but conviction, must have permeated to challenge propaganda stereotypes about Americans. In Warsaw the Vice President evoked a genuinely warm response by speaking and doing the right things.

If, in the process, Mr. Nixon advanced his political ambitions, no one can reasonably object. In some ways it is an odd contrast for a man who won initial political victory with charges that his opponents were soft on communism to be an agent of the attempt to find a working relationship with the Soviet Union; but Mr. Nixon has grown in office. Performance is the best sort of politics. He and Mrs. Nixon were competent representatives of the United States under close scrutiny throughout a trip that must have been physically and mentally grueling. All credit to them both for their performance.

Perhaps the sole result that can be expected in official Soviet-American relations at this point is some moderating of tone. But the unofficial contacts with the people behind the Iron Curtain are bound to have some residual dividend, if only in changed images of America. The existence of the curtain is one of the largest single obstacles to better relations, and the fact that Mr. Nixon managed to pierce it was enough in itself to make the trip worthwhile.

86TH CONGRESS
1ST SESSION

S. 2504

IN THE SENATE OF THE UNITED STATES

AUGUST 7, 1959

Mr. MUNDT introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

A BILL

To authorize the sale at market prices of agricultural commodities owned by the Commodity Credit Corporation to provide feed for livestock in areas determined to be emergency areas, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That, notwithstanding the provisions of section 407 of the
- 4 Agricultural Act of 1949, the Secretary of Agriculture
- 5 is authorized to sell, at market prices, any wheat, corn,
- 6 oats, barley, rye, or grain sorghums (hereafter referred
- 7 to as feed grains), owned by the Commodity Credit Corpo-
- 8 ration, to provide feed for livestock in any area determined
- 9 by him to be an emergency area under section 2.

1 SEC. 2. The Secretary may designate any area as an
2 emergency area for the purposes of this Act if he determines
3 that, as a result of flood, drought, hurricane, tornado, or
4 other catastrophe, there is a shortage of feed for livestock
5 in such area.

6 SEC. 3. The Secretary shall not sell feed grains under
7 this Act to any person unless he is satisfied that such person
8 does not have, and is unable to obtain through normal chan-
9 nels of trade without undue financial hardship, sufficient
10 feed for livestock owned by him, and unless such person
11 agrees to use the feed grains only for feed for such livestock.

12 SEC. 4. Any person who fails to carry out an agree-
13 ment entered into under section 3 with respect to any feed
14 grains purchased under this Act, or who disposes of any
15 such feed grains other than by feeding to livestock owned
16 by him, shall be subject to a penalty equal to but not in excess
17 of the market value of the feed grains involved, to be re-
18 covered by the Secretary in a civil suit brought for that
19 purpose.

20 SEC. 5. Section 107 (a) (3) of the Soil Bank Act is
21 amended by inserting before the period at the end thereof a
22 comma and the following: "and except that the Secretary
23 may authorize the producer to harvest hay on such acreage
24 if, after certification by the Governor of the State in which
25 such acreage is situated of the need therefor, the Secretary

- 1 determines that it is necessary to permit such harvesting in
- 2 order to alleviate damage, hardship, or suffering caused by
- 3 severe drought, flood, or other natural disaster”.

A BILL

To authorize the sale at market prices of agricultural commodities owned by the Commodity Credit Corporation to provide feed for livestock in areas determined to be emergency areas, and for other purposes.

By Mr. Mundt

AUGUST 7, 1959

Read twice and referred to the Committee on
Agriculture and Forestry

86TH CONGRESS
1ST SESSION

H. R. 8578

IN THE HOUSE OF REPRESENTATIVES

AUGUST 10, 1959

Mr. BURDICK introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Soil Bank Act so as to authorize the Secretary of Agriculture to permit the harvesting of hay on conservation reserve acreage under certain conditions.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 107 (a) (3) of the Soil Bank Act is amended
4 by inserting before the period at the end thereof a comma
5 and the following: "and except that the Secretary may
6 authorize the county agricultural stabilization committees
7 to sell hay on such acreage, with the consent of the producer,
8 to the highest bidder, and return the proceeds thereof to the
9 United States Treasury, less such amounts as the committees
10 deem adequate to compensate the producer for damage, if

1 any, to his premises, if, after certification by the Governor
 2 of the State in which such acreage is situated of the need
 3 therefor, the Secretary determines that it is necessary to
 4 permit such sale in order to alleviate damage, hardship, or
 5 suffering caused by severe drought, flood, or other natural
 6 disaster”.

86TH CONGRESS
 1ST Session

H. R. 8578

A BILL

To amend the Soil Bank Act so as to authorize the Secretary of Agriculture to permit the harvesting of hay on conservation reserve acreage under certain conditions.

By Mr. BURDICK

AUGUST 10, 1959

Referred to the Committee on Agriculture

Digest of CONGRESSIONAL PROCEEDINGS

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

August

Issued ~~April 14, 1959~~

For actions of ~~April 13, 1959~~

86th-1st, No. 138

CONTENTS

Accounting.....	9
Adjournment.....	16
Appropriations.....	9,35
Budgeting.....	5
Buildings.....	10
CCC.....	1
Conservation.....	6,32
Conservation reserve.....	1,18,33
Cotton.....	26
Depressed areas.....	27
Disaster relief.....	1,18
Electrification.....	2,5
Farm loans.....	34
Feed.....	1
Food distribution.....	38
Food for peace.....	14
Food industry.....	19
Food stamps.....	17
Foreign trade.....	17,42
Forestry.....	21
Housing.....	7,29,41
Industrial uses.....	13
Information.....	20

Insect control.....	33
Insecticides.....	3
Interest rates.....	23
Land acquisition.....	22
Legislative program.....	15,25
Minerals.....	40
Monopolies.....	19,30,37
Personnel.....	4,39
Procurement.....	11
Public debt.....	23
Public Law 313.....	4
Public Law 480.....	17,42
Research.....	3,13,24
Small business.....	11,38
Soil bank.....	1,18,33
Surplus commodities.....	14,17,42
Surplus property.....	31
Taxation.....	34
Transportation.....	12
Travel.....	36
Water.....	3
Watersheds.....	28
Weather.....	8
Wheat.....	2
Wildlife.....	3

HIGHLIGHTS: Senate committee voted to report bills to authorize sale of CCC feed in emergency areas, and to permit harvesting of hay on conservation reserve acreage. Committee authorized to report these bills during week-end adjournment. House committee authorized to file reports during weekend on bills to extend Public Law 480 and to establish food stamp plan. Senate committee reported bills to extend International Wheat Agreement, to express sense of Senate on GAO decision relative to certain REA loans, and to provide salt water research laboratory. House subcommittee voted to report bill to permit harvesting of hay on conservation reserve acreage. Senate received USDA proposed bills to provide additional Public Law 313 (Highlights cont'd on p. 6)

SENATE

1. SOIL BANK; FEED. The Agriculture and Forestry Committee voted to report (but did not actually report) S. 2323, to authorize the Secretary to permit the harvesting of hay on conservation reserve acreage in drought areas; S. 2504, to authorize the sale at market prices of CCC feed for livestock in areas determined to be emergency areas; and S. 2457, to authorize the compensation of producers under the Soil Bank for actions taken based on incorrect information by authorized representatives of the Secretary (p. D760). At the request of Sen. Mundt the Committee was authorized to report these bills during the week-end adjournment of the Senate (p. 14409).
2. WHEAT; ELECTRIFICATION. The Agriculture and Forestry Committee reported with amendment S. 2449, to extend the International Wheat Agreement Act of 1949

(S. Rept. 704), and S. Res. 21, expressing it as the sense of the Senate that the Rural Electrification Act should be interpreted so as to permit REA loans to cooperatives for service to persons who are without central-station service if they are located in an area generally served by a power supplier, or loans to persons without service who are located near a line of a power supplier (S. Rept. 703). p. 14404

The Interstate and Foreign Commerce Committee reported without amendment S. 2264, to prohibit abandonment of power facilities and services without the consent of the FPC (S. Rept. 718). p. 14404

3. FISH AND WILDLIFE; RESEARCH. The Interstate and Foreign Commerce Committee reported S. 1576, without amendment, to provide for the construction of a salt water research laboratory at Seattle, Wash. (S. Rept. 717); H. R. 5854, without amendment, to clarify a provision of the Black Bass Act relating to the interstate transportation of fish to require that such fish must have been taken lawfully (S. Rept. 705); S. 1262, with amendment, to establish a research program to determine means of improving the conservation of game fish in dam reservoirs (S. Rept. 707); S. 1575, with amendment to authorize continued studies on the effects of insecticides, herbicides, fungicides, and other pesticides, upon fish and wildlife (S. Rept. 708); and S. 2086, with amendment, to provide for the establishment of a National Wildlife Disease Laboratory (S. Rept. 709). p. 14404

4. PERSONNEL. Received from this Department a proposed bill to amend the Federal Employees Salary Increase Act of 1958 so as to authorize for this Department 41 additional scientific or professional positions subject to the provisions of Public Law 313, 80th Congress, at salaries not to exceed \$19,000; to Post Office and Civil Service Committee. p. 14404

Received from the Civil Service Commission a proposed bill "To improve the work of Federal employees through evaluation of work performance and to amend the Performance Rating Act of 1950"; to Post Office and Civil Service Committee. p. 14404

A subcommittee of the D. C. Committee voted to report H. R. 4283, to amend the District of Columbia Income and Franchise Tax Act of 1947, as amended, to provide that under certain conditions officers of the executive branch of the Federal Government appointed by the President shall be exempt from such act. p. D761

5. ELECTRIFICATION; BUDGETING. Received from this Department a proposed bill "To amend the Rural Electrification Act to provide a revolving fund for certain loans by the Secretary of Agriculture for improved budget and accounting procedures"; to Agriculture and Forestry Committee. p. 14404

6. CONSERVATION. By a vote of 47 to 45, passed as reported S. 812, to authorize the establishment of a Youth Conservation Corps for the conservation and development of our natural resources. pp. 14423-4, 14425-51

7. HOUSING. The Banking and Currency Committee reported without amendment a new housing bill, S. 2539 (S. Rept. 715) (p. 14405); the committee had voted to report the bill earlier (p. D 761). Agreed to a unanimous-consent request by Sen. Johnson to debate the bill on Mon., Aug. 17 (pp. 14458-60). Sens. Neuberger, Johnson, and others discussed the wisdom of attempting to override the President's veto of S. 57, the housing bill (pp. 14412-4).

8. WEATHER. The Interstate and Foreign Commerce Committee reported without amendment S. 2483, to provide more flexibility in the performance of certain functions of the Coast and Geodetic Survey and the Weather Bureau, including authorization for the Secretary of Commerce to pay extra compensation to

Aug 13, 1959

House

employees of other departments for weather observation (S. Rept. 719).
p. 14404

9. ACCOUNTING; APPROPRIATIONS. Received from this Department a report on a violation of section 3679 of the Revised Statutes, as amended, involving an over-obligation of an allotment of funds as of June 30, 1958; to Appropriations Committee. p. 14404
10. BUILDINGS. The Public Works Committee reported with amendment S. 1654, to grant GSA additional authority for the construction, alteration, and acquisition of Federal buildings (S. Rept. 694). p. 14404
11. SMALL BUSINESS; PROCUREMENT. Received from the Select Committee on Small Business a report, "Small Business Participation in Defense Subcontracting." p. 14405
12. TRANSPORTATION. Sen. Neuberger urged the enactment of S. 1789, to authorize ICC to expedite the movement of existing railroad freight cars, to aid in the transportation of farm products. p. 14417
13. INDUSTRIAL-USES RESEARCH. Sen. Young, N. Dak., commended Sen. Curtis and J. Leroy Welsh for their efforts in obtaining passage of legislation "to promote the greater industrial uses of farm surpluses." p. 14475
14. FOOD FOR PEACE. The report on S. 1711, the proposed International Food for Peace Act of 1959, as reported by the Foreign Relations Committee on Aug. 10, includes the following statements:

***"The main changes in Public Law 480 made by S. 1711, as amended, *** are as follows: Extension of the authority of the President under title I to sell and to grant agricultural commodities for 3 years at an annual ceiling of \$2 billion; authority to make grants of food for building national food reserves in other countries; authority to establish bi-national foundations devoted to promoting educational, cultural, and scientific training and activities of mutual interest to the United States and the other country; authorization of additional uses for the foreign currency accruing to the United States from the sale of agricultural goods; and the establishment of an administrator for the program within the Department of Agriculture to implement more effectively the purposes of Public Law 480.

***"The executive branch generally opposed adding new uses of currencies but the committee felt justified in adding some new permissive uses in view of the existence of the equivalent of several hundreds of millions of dollars in unused foreign currencies available from the sales under this title and also because of the need to utilize the available currencies more effectively for educational, developmental, and relief purposes, and for cooperating to a greater extent with programs of the United Nations and related agencies.

***"The committee remains unconvinced *** that the appropriation process is necessary and desirable for the use of foreign currency for such purposes as exchange of persons, the exchange of educational materials, and the cooperation of the United States with international programs. The committee reluctantly submits all new uses of foreign currency excepting those with a dollar limitation, to the appropriation process because it does not wish to delay passage of this bill.

***"The committee believes that the executive branch should put more emphasis on the use of foreign currencies for the erection of storage facilities for food reserves. Such facilities are desperately needed in many countries, and while they are authorized in more than one subsection of section 104, they are not being built except in one or two cases, insofar as the committee can determine, only in Portugal and Brazil.

"The committee also stresses the desirability of the President utilizing his authority to allow foreign currencies to be reallocated from strictly U. S. uses to other purposes of mutual interest to the United States and the recipient country."

15. LEGISLATIVE PROGRAM. On Mon., Aug. 17, the new housing bill is to be debated. pp. 14458-60

16. ADJOURNED until Mon., Aug. 17. p. 14481

HOUSE

17. FOREIGN TRADE; SURPLUS COMMODITIES; FOOD STAMPS. The Agriculture Committee was granted permission to file reports by midnight Sat. (Aug. 15) on H. R. 8609, to extend Public Law 480 until December 31, 1960; and H. R. 1359, to distribute surplus food commodities to needy persons in the U. S. through a food stamp system. p. 14520

18. DISASTER RELIEF. The Livestock and Feed Grains Subcommittee of the Agriculture Committee voted to report to the full committee with amendment H. R. 8578, to amend the Soil Bank Act so as to permit the harvesting of hay on conservation reserve acreage under disaster conditions. p. D763

19. FOOD INDUSTRY; MONOPOLIES. Rep. Roosevelt stated that "Vertical integration has overtaken the food industry," and that "Large food chains now control farms and cattle ranches, process and distribute the end products to their own retail stores," and that "temporarily low prices may be designed to eliminate competition. He stated that some of these problems, revealed in recent hearings before a subcommittee of the Small Business Committee, might be alleviated by various suggested solutions including strict enforcement of the Robinson-Patman Act, the granting of injunctive power to FTC, and the clarification of responsibility in administering the Clayton Act. He announced that further hearings would be held on the subject. pp. 14521-2

20. INFORMATION. The Rules Committee reported a resolution for the consideration of H. R. 8374, to authorize appropriations for Federal participation in the Century 21 Exposition to be held in Seattle, Wash., in 1961 (including USDA participation). pp. 14520, 14528

21. FORESTRY; INDIANS. The Interior and Insular Affairs Committee reported without amendment H. R. 8501, to amend the Klamath Indian Termination Act so as to change from Apr. 1, 1961 to Sept. 30, 1959, the date after which the U. S. may take title to the Klamath Marsh and make payments to the Klamath Indians for the land (H. Rept. 894). p. 14528

22. LAND ACQUISITION. Both Houses received from GSA a proposed bill "To authorize the head of any executive agency to reimburse owners and tenants of lands or interests in lands acquired for projects or activities under his jurisdiction for their moving expenses"; to House Public Works Committee and Senate Government Operations Committee. pp. 14528, 14404

CONSERVATION RESERVE-HAY HARVESTING IN
DISASTER AREAS

AUGUST 13 (legislative day, AUGUST 12), 1959.—Ordered to be printed

Mr. YOUNG of North Dakota, from the Committee on Agriculture and Forestry, submitted the following

R E P O R T

[To accompany S. 2323]

The Committee on Agriculture and Forestry, to whom was referred the bill (S. 2323), to amend the Soil Bank Act so as to authorize the Secretary of Agriculture to permit the harvesting of hay on conservation reserve acreage under certain conditions, having considered the same, report thereon with a recommendation that it do pass without amendment.

This bill authorizes the Secretary of Agriculture to permit the harvesting of hay from conservation reserve lands if the Governor of the State certifies the need therefor and the Secretary determines that such harvesting is necessary to alleviate damage, hardship, or suffering caused by a natural disaster. This authority would be similar to that which the Secretary now has to permit the grazing of conservation reserve lands, and is based upon the same considerations. The committee felt that it was not reasonable to provide Government assistance in the importation of hay into a drought area, as has been done in the past, and at the same time to prevent hay growing in the area from being harvested. The Department has indicated that necessary safeguards to prevent abuse of permission to harvest hay might be more difficult to enforce than those applicable to grazing permission. The committee felt, however, that such enforcement problems were not more serious than many imposed on the Department in connection with other programs and should not prevent enactment of this desirable measure. Section 485.163(b)(4) of the conservation reserve program regulations provides that no annual payment will be made if the land is grazed pursuant to permission from the Secretary. It is expected that similar provision would be made if hay harvesting were permitted.

2 CONSERVATION RESERVE-HAY HARVESTING IN DISASTER AREAS

DEPARTMENTAL VIEWS

DEPARTMENT OF AGRICULTURE,
Washington, D.C., August 12, 1959.

HON. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry,
U.S. Senate.

DEAR SENATOR ELLENDER: This is in reply to your request of July 2, 1959 for a report on S. 2323, a bill to amend the Soil Bank Act so as to authorize the Secretary of Agriculture to permit the harvesting of hay on conservation reserve acreage under certain conditions.

We do not recommend enactment of bill S. 2323.

The bill would amend section 107(a)(3) of the Soil Bank Act by inserting before the period at the end thereof a comma and the following: "and except that the Secretary may authorize the producer to harvest hay on such acreage if, after certification by the Governor of the State in which such acreage is situated of the need thereof, the Secretary determines that it is necessary to permit such harvesting in order to alleviate damage, hardship, or suffering caused by severe drought, flood, or other natural disaster."

The purpose of the soil bank is to take cropland out of production. This purpose is accomplished by the designation of certain cropland acres to be retired to grass, trees, or water storage for the period of the contract. At the time he signs his contract a farmer readjusts his farming operations to provide for any livestock he has left on the farm. Obviously, severe natural disaster such as flood or drought which could not be foreseen by the farmer may strike making it necessary to utilize any grass or legume cover growing on the designated acreage while the emergency lasts.

Provision is made for this in the present law which permits the farmer in a specified disaster area who has livestock to graze the designated acreage during the emergency period. Permission to harvest hay from the land would open the door to abuses of the program and defeat of the purposes by permitting the harvest of hay from the acreage and sale of that hay at a later date, long after the emergency is past. To prohibit sale would require the employment of additional persons to check and an additional procedure for checking and spotchecking. Farmers participating in the program in other areas would be unable to understand why hay could be cut for storage and sale in one area and not from theirs. When under present law the growth on the land is permitted to be pastured in a disaster area, it alleviates the problems of the man who owns cattle and does not create additional problems and pressures.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

E. L. PETERSON, *Acting Secretary.*

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

SUBTITLE B—CONSERVATION RESERVE PROGRAM

TERMS AND CONDITIONS

SEC. 107. (a) To effectuate the purposes of this title the Secretary is hereby authorized to enter into contracts for periods of not less than three years with producers determined by him to have control for the contract period of the farms covered by the contract wherein the producer shall agree:

(1) To establish and maintain for the contract period protective vegetative cover (including but not limited to grass and trees), water storage facilities, or other soil-, water-, wildlife-, or forest-conserving uses on a specifically designated acreage of land on the farm regularly used in the production of crops (including crops, such as tame hay, alfalfa, and clovers, which do not require annual tillage).

(2) To devote to conserving crops or uses, or allow to remain idle throughout the contract period an acreage of the remaining land on the farm which is not less than the acreage normally devoted only to conserving crops or uses or normally allowed to remain idle on such remaining acreage.

(3) Not to harvest any crop from the acreage established in protective vegetative cover, excepting timber (in accordance with sound forestry management) and wildlife or other natural products of such acreage which do not increase supplies of feed for domestic animals, *and except that the Secretary may authorize the producer to harvest hay on such acreage if, after certification by the Governor of the State in which such acreage is situated of the need therefor, the Secretary determines that it is necessary to permit such harvesting in order to alleviate damage, hardship, or suffering caused by severe drought, flood, or other natural disaster.*

(4) Not to graze any acreage established in protective vegetative cover prior to January 1, 1959, or such later date as may be provided in the contract, except pursuant to the provisions of section 103(a) (3) hereof; and if such acreage is grazed at the end of such period, to graze such acreage during the remainder of the period covered by the contract in accordance with sound pasture management.

* * * * *

RELATED LEGISLATION NOT CHANGED BY THE BILL

SOIL BANK ACT

SEC. 103. (a) * * *, and (3) shall not harvest any crop from, or graze, the reserve acreage unless the Secretary, after certification by the Governor of the State in which such acreage is situated of the need for grazing on such acreage, determines that it is necessary to permit grazing thereon in order to alleviate damage, hardship, or suffering caused by severe drought, flood, or other natural disaster, and consents to such grazing.

S. 2323

[Report No. 723]

IN THE SENATE OF THE UNITED STATES

JULY 1, 1959

Mr. YOUNG of North Dakota (for himself and Mr. LANGER) introduced the following bill; which was read twice and referred to the Committee on Agricultural and Forestry

AUGUST 14, 1959

Reported, under authority of the order of the Senate of August 13 (legislative day August 12), 1959, by Mr. YOUNG of North Dakota, without amendment

A BILL

To amend the Soil Bank Act so as to authorize the Secretary of Agriculture to permit the harvesting of hay on conservation reserve acreage under certain conditions.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 107 (a) (3) of the Soil Bank Act is amended
4 by inserting before the period at the end thereof a comma
5 and the following: "and except that the Secretary may
6 authorize the producer to harvest hay on such acreage if,
7 after certification by the Governor of the State in which
8 such acreage is situated of the need therefor, the Secretary
9 determines that it is necessary to permit such harvesting
10 in order to alleviate damage, hardship, or suffering caused
11 by severe drought, flood, or other natural disaster".

A BILL

To amend the Soil Bank Act so as to authorize the Secretary of Agriculture to permit the harvesting of hay on conservation reserve acreage under certain conditions.

By Mr. YOUNG of North Dakota and Mr.
LANGER

JULY 1, 1959

Read twice and referred to the Committee on
Agriculture and Forestry

AUGUST 14, 1959

Reported without amendment

EMERGENCY LIVESTOCK FEED

AUGUST 13 (legislative day, AUGUST 12), 1959.—Ordered to be printed

Mr. MUNDT, from the Committee on Agriculture and Forestry,
submitted the following

R E P O R T

[To accompany S. 2504]

The Committee on Agriculture and Forestry, to whom was referred the bill (S. 2504) to authorize the sale at market prices of agricultural commodities owned by the Commodity Credit Corporation to provide feed for livestock in areas determined to be emergency areas, and for other purposes, having considered the same, report thereon with a recommendation that it do pass without amendment.

IN GENERAL

This bill authorizes the sale at market prices of feed grains owned by Commodity Credit Corporation to meet shortages in emergency areas. The bill thus exempts such sales from the minimum resale price provision of section 407 of the Agricultural Act of 1949. The bill also authorizes the Secretary of Agriculture to permit the harvesting of hay from conservation reserve lands under certain conditions to alleviate hardship caused by natural disaster.

SECTION-BY-SECTION EXPLANATION

Section 1 authorizes the Secretary of Agriculture to sell wheat, corn, oats, barley, rye, or grain sorghums owned by Commodity Credit Corporation at market prices to provide livestock feed in any area determined to be an emergency area under section 2. This provision constitutes a limited exemption from section 407 of the Agricultural Act of 1949, which prohibits the Commodity Credit Corporation from selling any of such commodities for "less than 5 per centum above the current support price for the commodity, plus reasonable carrying charges." Sales for seed or feed are excepted by section 407(C) from this limitation if they will not substantially impair any price-support program, but in the past the Secretary has been reluctant to find that they will not. ✕

Section 2 authorizes the Secretary of Agriculture to designate the areas in which the sales authorized by section 1 may be made. He may make such designation if he determines that, as a result of flood, drought, hurricane, tornado, or other catastrophe, there is a shortage of feed for livestock in the area. Such a designation by the Secretary would not be required to meet the more rigid conditions of Public Law 875, 81st Congress, section 2(d) of Public Law 38, 81st Congress, or section 407 of the Agricultural Act of 1949, which require certification by the Governor and a determination by the President that a "major disaster" has occurred.

Section 3 restricts sales under section 1 to persons unable to obtain sufficient feed for their livestock without undue financial hardship and who agree to use the grain purchased by them only to feed such livestock. The Secretary would, of course, be expected to work out a program under which the normal channels of trade might be used in making such sales.

Section 4 imposes a penalty to be collected by civil suit upon any person who breaches his agreement to use feed purchased under section 1 only for his own livestock. The penalty would equal the market value of the feed with respect to which the breach occurs.

Section 5 authorizes the Secretary to permit the harvesting of hay from conservation reserve lands if the Governor certifies the need therefor and the Secretary determines that such harvesting is necessary to alleviate damage, hardship, or suffering caused by a natural disaster. This authority is similar to that which the Secretary now has to permit the grazing of conservation reserve lands, and is based upon the same considerations. The committee felt that it made no sense to provide Government assistance in the importation of hay into a drought area, as has been done in the past, and at the same time to prevent hay growing in the area from being harvested. The Department has indicated that necessary safeguards to prevent abuse of permission to harvest hay might be more difficult to enforce than those applicable to grazing permission. The committee felt, however, that such enforcement problems were not more serious than many imposed on the Department in connection with other programs and should not prevent enactment of this desirable measure. Section 485.163(b)(4) of the conservation reserve program regulations provides that no annual payment will be made if the land is grazed pursuant to permission from the Secretary. It is expected that similar provision would be made if hay harvesting were permitted.

EXISTING FEED GRAIN ASSISTANCE AUTHORITY

Section 407 of the Agricultural Act of 1949 now authorizes the Commodity Credit Corporation to make available any farm commodity owned by it for use in relieving distress "in connection with any major disaster determined by the President to warrant assistance by the Federal Government under Public Law 875, Eighty-first Congress." Section 2(d) of Public Law 38, 81st Congress, authorizes the Secretary "in connection with any major disaster determined by the President to warrant assistance by the Federal Government under Public Law 875, Eighty-first Congress * * * to furnish * * * feed

for livestock * * *." A Department press release describes its existing program as follows:

4. *Feed grains.*—If the President has declared the State a "major disaster area, the Secretary of Agriculture may designate specified areas eligible for livestock feed grain programs. In extreme cases, under the disaster relief feed grain program surplus grains are made available on a temporary donation basis to State agencies for feeding distressed livestock. Under the emergency feed program, eligible farmers may receive assistance of \$1 per hundredweight in the purchase of surplus grains for maintaining foundation herds of cattle, sheep, and goats. This second program operates through authorized feed dealers.

Because of the legislative and administrative history of these provisions, as well as some differences in the provisions themselves, the Department is reluctant to extend assistance under them in the case of a first-year drought, or to provide relief under them for hogs or other than foundation herds. As pointed out in the discussion herein of section 2, the criteria for designation of an area for feed assistance under the bill are less stringent than those provided for by existing law. On the other hand, where existing law authorizes donations, the bill goes only so far as to permit the sale at market prices.

IMMEDIATE NEED FOR BILL

In introducing the bill Senator Mundt described the situation in his own State which made its introduction necessary as follows:

This bill has been drafted to provide the Secretary of Agriculture with the necessary statutory authority to meet a critical feed situation which currently exists in many counties throughout my home State of South Dakota. South Dakota has been hit by severe drought conditions, and it appears certain that the production of corn and other feed grains is going to be far below the normal annual volume. Feed grain producers, anticipating this low harvest, are holding in storage corn and other feed grains, which would normally be moving into the market. This retention of feed from the market is occurring for at least two reasons. First, many South Dakota feed grain producers are also engaged in livestock production. Normally these farmers feed a portion of their crop, and move the remainder into the grain markets. However, this year the portion of last year's crop that would normally be marketed is being held, for it will be required to meet their own feeding needs. Second, other commercial feed grain producers are, undoubtedly, holding a portion of last year's crop in storage, awaiting a more favorable market price.

The unfortunate result of this retention of feed by producers is that there is simply no feed available for purchase in many drought-stricken areas at the normal markets. Thus, livestock feeders and producers who are not diversified

and who do not raise their own feed are not able to purchase their feed requirements.

I have received numerous letters from livestock men and farmers who request that the surpluses owned by the Commodity Credit Corporation be made available for purchase at the existing market prices. I am advised that Commodity Credit Corporation has approximately 44 million bushels of corn in storage in South Dakota.

* * * * *

It is patently obvious that livestock producers and feeders cannot afford to pay the premium prices for feed, which are required under the existing statutes. It is equally obvious that the current feed shortage cannot persist much longer without causing irreparable damage to the livestock industry in South Dakota. The feed shortage is so severe in some areas of the State that producers are sincerely fearful of depredation of foundation herds. Should this tragedy occur, it would be a matter of years before the South Dakota livestock industry would be fully recovered.

DEPARTMENTAL VIEWS

DEPARTEMENT OF AGRICULTURE,
Washington, D.C.

HON. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry,
U.S. Senate.

DEAR SENATOR ELLENDER: This is in reply to your request of August 8, 1959, for a report on S. 2504, a bill to authorize the sale at market prices of agricultural commodities owned by the Commodity Credit Corporation to provide feed for livestock in areas determined to be emergency areas, and for other purposes.

— This Department does not recommend the enactment of S. 2504.

Section 1 of the bill provides notwithstanding the provisions of section 407 of the Agricultural Act of 1949, the Secretary of Agriculture is authorized to sell, at market prices, any wheat, corn, oats, barley, rye, or grain sorghums owned by the Commodity Credit Corporation, to provide feed for livestock in any area determined by him to be an emergency area.

Section 2 provides that the Secretary may designate any area as an emergency area for the purposes of this act if he determines that, as a result of flood, drought, hurricane, tornado, or other catastrophe, there is a shortage of feed for livestock in such area.

Section 3 provides that the Secretary shall not sell feed grains under this act to any person unless he is satisfied that such person does not have, and is unable to obtain through normal channels of trade without undue financial hardship, sufficient feed for livestock owned by him, and unless such person agrees to use the feed grains only for feed for such livestock.

Section 4 provides a penalty provision in case of misuse of feed provided under the bill.

Section 5 amends section 107(a)(3) of the Soil Bank Act authorizing the Secretary to permit producers, under emergency conditions, to harvest hay on conservation reserve acres.

Our major objection to S. 2504 stems from section 2 which would place responsibility in the Secretary for designating any area as an emergency area as a result of catastrophe if he determines there is a shortage of feed therein. No standards are provided for evaluating the extent of the catastrophe. There appears to be no need for such additional authority. Present provisions of section 407 enable the Secretary to make available such supplies of commodities, including feed grains, owned or controlled by Commodity Credit Corporation as are deemed necessary in connection with major disasters determined by the President to warrant assistance by the Federal Government under Public Law 875, 81st Congress, as amended. In this situation, therefore, additional authority in this field not only is unnecessary but would unduly complicate operations and determinations required to be made in view of present legislation.

The first section of the bill authorizing sales at market prices of CCC-owned feed grains including wheat, for livestock feed, in areas determined by the Secretary as emergency areas, would give rise to additional problems. For example, such sales could have price-depressing effects on the normal marketing of livestock feeds through established commercial trade channels. Aside from interference with normal commercial transactions, such sales could seriously impair effective price-support operations in the designated areas. Net result, then, may require the takeover of larger quantities of these commodities under the price support program and lead to increased losses.

Section 5 would amend section 107(a)(3) of the Soil Bank Act by authorizing the Secretary to allow the producer to harvest hay on conservation reserve acres which are under contract under certain emergency conditions. No provision is made for this in the present law which permits the farmer in a specified disaster area who has livestock to graze the designated acreage during the emergency period. Permission to harvest hay from the land would open the door to abuses of the program and defeat of the purposes by permitting the harvest of hay from the acreage and sale of that hay at a later date, long after the emergency is past. To prohibit sale would require the employment of additional persons to check and an additional procedure for checking and spot-checking. Farmers participating in the program in other areas would be unable to understand why hay could be cut for storage and sale in one area and not from theirs. When under present law the growth on the land is permitted to be pastured in a disaster area, it alleviates the problems of the man who owns cattle and does not create additional problems and pressures.

In view of the telephone request for immediate submission of this report in order that the committee may consider it immediately, we have not obtained advice from the Bureau of the Budget regarding the relationship of this proposed legislation to the program of the President.

Sincerely yours,

E. L. PETERSON,
Acting Secretary.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

SOIL BANK ACT

SUBTITLE B—CONSERVATION RESERVE PROGRAM

TERMS AND CONDITIONS

SEC. 107. (a) To effectuate the purposes of this title the Secretary is hereby authorized to enter into contracts for periods of not less than three years with producers determined by him to have control for the contract period of the farms covered by the contract wherein the producer shall agree:

(1) To establish and maintain for the contract period protective vegetative cover (including but not limited to grass and trees), water storage facilities, or other soil-, water-, wildlife-, or forest-covering uses on a specifically designated acreage of land on the farm regularly used in the production of crops (including crops, such as tame hay, alfalfa, and clovers, which do not require annual tillage).

(2) To devote to conserving crops or uses, or allow to remain idle, throughout the contract period an acreage of the remaining land on the farm which is not less than the acreage normally devoted only to conserving crops or uses or normally allowed to remain idle on such remaining acreage.

(3) Not to harvest any crop from the acreage established in protective vegetative cover, excepting timber (in accordance with sound forestry management) and wildlife or other natural products of such acreage which do not increase supplies of feed for domestic animals, *and except that the Secretary may authorize the producer to harvest hay on such acreage if, after certification by the Governor of the State in which such acreage is situated of the need therefor, the Secretary determines that it is necessary to permit such harvesting in order to alleviate damage, hardship, or suffering caused by severe drought, flood, or other natural disaster.*

(4) Not to graze any acreage established in protective vegetative cover prior to January 1, 1959, or such later date as may be provided in the contract, except pursuant to the provisions of section 103(a)(3) hereof; and if such acreage is grazed at the end of such period, to graze such acreage during the remainder of the period covered by the contract in accordance with sound pasture management.

* * * * *

RELATED LEGISLATION NOT CHANGED BY BILL

SOIL BANK ACT

SEC. 103. (a) * * * and (3) shall not harvest any crop from, or graze, the reserve acreage unless the Secretary, after certification by the Governor of the State in which such acreage is situated of the

need for grazing on such acreage, determines that it is necessary to permit grazing thereon in order to alleviate damage, hardship, or suffering caused by severe drought, flood, or other natural disaster, and consents to such grazing. * * *

AGRICULTURAL ACT OF 1949

SEC. 407. The Commodity Credit Corporation may sell any farm commodity owned or controlled by it at any price not prohibited by this section. In determining sales policies for basic agricultural commodities or storable nonbasic commodities, the Corporation should give consideration to the establishing of such policies with respect to prices, terms, and conditions as it determines will not discourage or deter manufacturers, processors, and dealers from acquiring and carrying normal inventories of the commodity of the current crop. The Corporation shall not sell any basic agricultural commodity or storable nonbasic commodity at less than 5 per centum above the current support price for such commodity, plus reasonable carrying charges: *Provided*, That effective with the beginning of the marketing year for the 1961 crop, the Corporation shall not sell any upland or extra long staple cotton for unrestricted use at less than 15 per centum above the current support price for cotton plus reasonable carrying charges, except that the Corporation may, in an orderly manner and so as not to affect market prices unduly, sell for unrestricted use at the market price at the time of sale a number of bales of cotton equal to the number of bales by which the national marketing quota for such marketing year is reduced below the estimated domestic consumption and exports for such marketing year pursuant to the provisions of section 342 of the Agricultural Adjustment Act of 1938, as amended. The foregoing restrictions shall not apply to (A) sales for new or byproduct uses; (B) sales of peanuts and oilseeds for the extraction of oil; (C) sales for seed or feed if such sales will not substantially impair any price-support program; (D) sales of commodities which have substantially deteriorated in quality or as to which there is a danger of loss or waste through deterioration or spoilage; (E) sales for the purpose of establishing claims arising out of contract or against persons who have committed fraud, misrepresentation, or other wrongful acts with respect to the commodity; (F) sales for export; (G) sales of wool; and (H) sales for other than primary uses. Notwithstanding the foregoing, the Corporation, on such terms and conditions as the Secretary may deem in the public interest, shall make available any farm commodity or product thereof owned or controlled by it for use in relieving distress (1) in any area in the United States declared by the President to be an acute distress area because of unemployment or other economic cause if the President finds that such use will not displace or interfere with normal marketing of agricultural commodities and (2) in connection with any major disaster determined by the President to warrant assistance by the Federal Government under Public Law 875, Eighty-first Congress, as amended (42 U.S.C. 1855). Except on a reimbursable basis, the Corporation shall not bear any costs in connection with making such commodity available beyond the cost of the commodities to the Corporation in store and the handling and transportation costs in making delivery of

the commodity to designated agencies at one or more central locations in each State. Nor shall the foregoing restrictions apply to sales of commodities the disposition of which is desirable in the interest of the effective and efficient conduct of the Corporation's operations because of the small quantities involved, or because of age, location or questionable continued storability, but such sales shall be offset by such purchases of commodities as the Corporation determines are necessary to prevent such sales from substantially impairing any price-support program, but in no event shall the purchase price exceed the then current support price for such commodities. For the purposes of this section, sales for export shall not only include sales made on condition that the identical commodities sold be exported, but shall also include sales made on condition that commodities of the same kind and of comparable value or quantity be exported, either in raw or processed form.

PUBLIC LAW 38, 81ST CONGRESS

SEC. 2. * * *

(d) The Secretary is authorized in connection with any major disaster determined by the President to warrant assistance by the Federal Government under Public Law 875, Eighty-first Congress (42 U.S.C. 1855), as amended, to furnish to established farmers, ranchers, or stockmen feed for livestock or seeds for planting for such period or periods of time and under such terms and conditions as the Secretary may determine to be required by the nature and effect of the disaster. The Secretary may utilize the personnel, facilities, property, and funds of any agency of the U.S. Department of Agriculture, including Commodity Credit Corporation, for carrying out these functions and shall reimburse the agencies so utilized for the value of any commodities furnished which are not paid for by the farmers or ranchmen, and for costs and administrative expenses necessary in performing such functions.

PUBLIC LAW 875, 81ST CONGRESS

SEC. 2. As used in this Act, the following terms shall be construed as follows unless a contrary intent appears from the context:

(a) "Major disaster" means any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe in any part of the United States which, in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States and local governments in alleviating the damage, hardship, or suffering caused thereby, and respecting which the Governor of any State (or the Board of Commissioners of the District of Columbia) in which such catastrophe may occur or threaten certifies the need for disaster assistance under this Act, and shall give assurance of expenditure of a reasonable amount of the funds of the government of such State, local governments therein, or other agencies, for the same or similar purposes with respect to such catastrophe;

(b) "United States" includes the District of Columbia, Alaska, Hawaii, Puerto Rico, and the Virgin Islands;

(c) "State" means any State in the United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands;

(d) "Governor" means the chief executive of any State;

(e) "Local government" means any county, city, village, town, district, or other political subdivision of any State, or the District of Columbia;

(f) "Federal agency" means any department, independent establishment, Government corporation, or other agency of the executive branch of the Federal Government, excepting, however, the American National Red Cross. (42 U.S.C. 1855a.)

SEC. 3. In any major disaster, Federal agencies are hereby authorized when directed by the President to provide assistance (a) by utilizing or lending with or without compensation therefor, to States and local governments their equipment, supplies, facilities, personnel, and other resources, other than the extension of credit under the authority of any Act; * * * (c) by donating or lending equipment and supplies, determined under then existing law to be surplus to the needs and responsibilities of the Federal Government, to States for use or distribution by them for the purposes of the Act including the restoration of public facilities damaged or destroyed in such major disaster and essential rehabilitation of individuals in need as the result of such major disaster; * * * The authority conferred by this Act, and any funds provided hereunder shall be supplementary to, and not in substitution for, nor in limitation of, any other authority conferred or funds provided under any other law. Any funds received by Federal agencies as reimbursement for services or supplies furnished under the authority of this section shall be deposited to the credit of the appropriation or appropriations currently available for such services or supplies. The Federal Government shall not be liable for any claim based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Government in carrying out the provisions of this section.



Calendar No. 729

86TH CONGRESS
1ST SESSION

S. 2504

[Report No. 724]

IN THE SENATE OF THE UNITED STATES

AUGUST 7, 1959

Mr. MUNDT introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

AUGUST 14, 1959

Reported, under authority of the order of the Senate of August 13 (legislative day, August 12), 1959, by Mr. MUNDT, without amendment

A BILL

To authorize the sale at market prices of agricultural commodities owned by the Commodity Credit Corporation to provide feed for livestock in areas determined to be emergency areas, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, notwithstanding the provisions of section 407 of the
4 Agricultural Act of 1949, the Secretary of Agriculture is
5 authorized to sell, at market prices, any wheat, corn, oats,
6 barley, rye, or grain sorghums (hereafter referred to as
7 feed grains), owned by the Commodity Credit Corporation,
8 to provide feed for livestock in any area determined by him
9 to be an emergency area under section 2.

1 SEC. 2. The Secretary may designate any area as an
2 emergency area for the purposes of this Act if he determines
3 that, as a result of flood, drought, hurricane, tornado, or
4 other catastrophe, there is a shortage of feed for livestock
5 in such area.

6 SEC. 3. The Secretary shall not sell feed grains under
7 this Act to any person unless he is satisfied that such person
8 does not have, and is unable to obtain through normal chan-
9 nels of trade without undue financial hardship, sufficient
10 feed for livestock owned by him, and unless such person
11 agrees to use the feed grains only for feed for such livestock.

12 SEC. 4. Any person who fails to carry out an agree-
13 ment entered into under section 3 with respect to any feed
14 grains purchased under this Act, or who disposes of any
15 such feed grains other than by feeding to livestock owned
16 by him, shall be subject to a penalty equal to but not in excess
17 of the market value of the feed grains involved, to be re-
18 covered by the Secretary in a civil suit brought for that
19 purpose.

20 SEC. 5. Section 107 (a) (3) of the Soil Bank Act is
21 amended by inserting before the period at the end thereof a
22 comma and the following: "and except that the Secretary
23 may authorize the producer to harvest hay on such acreage
24 if, after certification by the Governor of the State in which
25 such acreage is situated of the need therefor, the Secretary

1 determines that it is necessary to permit such harvesting in
2 order to alleviate damage, hardship, or suffering caused by
3 severe drought, flood, or other natural disaster”.

86TH CONGRESS
1ST SESSION

S. 2504

[Report No. 724]

A BILL

To authorize the sale at market prices of agricultural commodities owned by the Commodity Credit Corporation to provide feed for livestock in areas determined to be emergency areas, and for other purposes.

By Mr. MUNDY

AUGUST 7, 1959

Read twice and referred to the Committee on
Agriculture and Forestry

AUGUST 14, 1959

Reported without amendment

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

CONTENTS

Issued August 18, 1959
For actions of August 17, 1959
86th-1st, No. 140

Accounting.....	16,31		
Administrative law.....	18		
Appropriations.....	3,23,37		
Atomic energy.....	8		
Casein.....	24		
Coconut oil.....	13		
Conservation.....	34		
Cotton.....	27,36		
Disaster relief.....	1		
Electrification.....	5,38		
Farm housing research....	2		
Farm program.....	32	Interest rates.....	5
Federal insignia.....	17	Intergovernmental	
Feed.....	1	relations.....	12
Food additives.....	33	Lands.....	6,14,15
Food distribution.....	7	Leasing.....	6,14
Food stamps.....	10	Legislative program....	24
Foreign affairs.....	7	Livestock.....	30
Foreign trade.....	11	Migratory farmworkers...	2
Forestry.....	19	Minerals.....	6,14
Freight forwarders.....	22	Natural resources.....	34
Grain.....	30	Personnel.....	16,35
Hay.....	1	Public lands.....	6
Housing.....	2	Public Law 480.....	11
Income tax.....	35	Reclamation.....	29
		Recreation.....	15
		Research.....	2,20
		Science.....	20
		Silk yarn.....	24
		Soil bank.....	1
		Soil conservation.....	28
		Surplus commodities..	11,25
		Surplus food.....	4,10,25
		Surplus property.....	26
		Transportation.....	22
		TVA.....	5
		Water resources.....	5
		Wheat.....	9
		Wildlife.....	21

HIGHLIGHTS: House committee reported (Aug. 15) bills to extend Public Law 480 and to establish food stamp plan. Senate committee reported (Aug. 14) bills to authorize sale of CCC feed in emergency areas, and to permit harvesting of hay on conservation reserve acreage. House passed bill to extend International Wheat Agreement. Senate debated new housing bill. Senate agreed to conference report on public works appropriation bill. House passed bill to establish Advisory Commission on Intergovernmental Relations. Sen. Murray and others introduced and discussed bill to provide long-range planning for conservation development programs.

SENATE

1. SOIL BANK; DISASTER RELIEF. The Agriculture and Forestry Committee reported (on Aug. 14, during adjournment) without amendment S. 2323, to authorize the Secretary to permit the harvesting of hay on conservation reserve acreage in drought areas (S. Rept. 723), and S. 2504, to authorize the sale at market prices of CCC feed for livestock in areas determined to be emergency areas (S. Rept. 724). p. 14561
2. HOUSING. Began debate on S. 2539, the new housing bill (pp. 14643-75). As reported by the Banking and Currency Committee the bill extends the farm housing research program for 2 additional years (until June 30, 1961) and authorizes appropriations of \$100,000 for each of these years. A provision in S. 57, which

was vetoed by the President, directing the Administrator of the Housing and Home Finance Agency to study the housing needs of migratory farmworkers was omitted by the Committee from S. 2539.

3. PUBLIC WORKS APPROPRIATION BILL, 1960. By a vote of 82 to 9, agreed to the conference report on this bill, H. R. 7509 (including funds for the Corps of Engineers, certain agencies of the Department of the Interior, and TVA) and acted on amendments in disagreement. This bill will now be sent to the President. pp. 14608-22
4. SURPLUS FOODS. Sen. Humphrey inserted an editorial, "Disposing of Surpluses," favoring enactment of legislation "for getting our food to have-not nations without ruining our foreign policy." p. 14676
Sen. Humphrey inserted the text of a letter from the American Veterans Committee endorsing proposed legislation to provide for the use of surplus ships to furnish aid, including surplus food, to disaster areas abroad. p. 14642
5. ELECTRIFICATION. Sen. Gruening commended the Appropriations Committee for including funds in the public works appropriation bill for a study of hydro-electric possibilities of the Yukon River, Alaska. p. 14642
The Interstate and Foreign Commerce Committee reported without amendment S. 2263, to authorize the Federal Power Commission to exempt small hydro-electric projects from certain licensing provisions of the Federal Power Act (S. Rept. 725). p. 14565
Sen. Langer inserted resolutions adopted by the N. Dak. Assoc. of Rural Electric Cooperatives relating to REA interest rates, expansion of power generation and transmission facilities, TVA financing, water resource development, etc. pp. 14562-4
6. MINERALS; PUBLIC LANDS. Sen. Gruening criticized the President's action in vetoing H. R. 6940, to amend the Mineral Leasing Act of 1920 so as to increase the area of public lands in Alaska which may be held under oil and gas leases by any one person or firm, and inserted the text of his letter to the President urging him to sign the bill. pp. 14629-30
7. FOREIGN AFFAIRS. Sen. Wiley inserted a Whaley-Eaton Service letter, "Popular Delusions About Russia," discussing various aspects of the Russian economy, including the observation that the Russian farm worker produces much less than our farm workers and that Russia lacks any modern food distribution system. pp. 14635-7
8. ATOMIC ENERGY. Sen. Humphrey charged that the President's appointment of a Federal Radiation Council to correlate and coordinate the activities of Federal agencies concerned with radioactive fallout "is not adequate to cope with all the problems raised in the radiation field." p. 14676

HOUSE

9. WHEAT. Passed under suspension of the rules H. R. 8409, to implement the revised International Wheat Agreement, which is to expire July 31, 1962. pp. 14695-7
10. FOOD STAMPS. The Agriculture Committee reported with amendment/H. R. 1359, to provide for the establishment of a food stamp plan for the distribution of \$1 billion worth of surplus food commodities a year to needy persons and families in the U. S. (H. Rept. 907). p. 14745
(on Aug. 15, during adjournment)

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

Issued August 20, 1959
For actions of August 18, 1959
86th-1st, No. 142

CONTENTS

Access roads.....1	
Acreage allotments.....43	
Appropriations.....1,27,46	
ASC committees.....20,22	
Banking.....10	
Barter.....23	
Buildings.....7,26	
CCC.....3	
Civil defense.....1,37	
Committee expenditures...3	
Conservation.....36	
Conservation reserve..2,31	
Cotton.....43	
Dairy industry.....50	
Debt management.....38	
Disaster relief.....8	
Electrification.6,22,35,41	
Farm credit.....44	
Farm labor.....17,34	
Farm program.....9	
Feed.....8	
Fisheries.....13	
Food for peace.....18,52	
Food stamps.....5,30	
Foreign aid.....21	
Foreign trade.....22,23	
Forestry.....1,16,45	
Hay.....2	
Industrial uses.....31	
Legislative program.....22	
Monopolies.....28	
Noxious plants.....19,22	
Peanuts.....12	
Personnel.....40	
Property.....49	
Public lands.....19,47,49	
Public Law 480.....22,23	
Purchasing.....48	
Radio spectrum.....51	
REA loans.....6,22,41	
Reclamation.....22,27,35	
Research.....11,14,31,32	
Science.....11,24	
Small business.....25,50	
Soil bank.....2	
Special milk.....42	
Statehood.....33	
Surplus commodities...5,23,39,52	
Transportation.....15	
Water.....14,29	
Wheat.....4,31	
Wildlife.....14,32	
Vehicles.....48	

HIGHLIGHTS; Both Houses agreed to conference report on supplemental appropriation bill. Senate passed bills to: Permit harvesting of hay on conservation reserve acreage in drought areas; exempt durum wheat from allotments and quotas. House committee voted to report industrial-uses research bill and bill to permit harvesting of hay on conservation reserve acreage in drought areas. House Rules Committee tabled motion to clear food stamp bill. House debated bill to extend Public Law 480. Sen. Symington inserted excerpts of testimony on submission of draft of farm bill by Secretary. Sens. Ellender and Aiken introduced bill to establish revolving fund for REA loans.

SENATE

1. SUPPLEMENTAL APPROPRIATION BILL, 1960. Both Houses agreed to the conference report on this bill, H. R. 7978, and acted on amendments in disagreement (pp. 15004-10, 15033-9). This bill will now be sent to the President. Agreed to an amendment to provide \$1,000,000 (instead of \$5,000,000 as proposed by the Senate) for forest access roads. Agreed to an amendment to provide \$3,000,000 (instead of \$3,650,000 as proposed by the Senate) to the Office of Civil and Defense Mobilization for allocation to Federal agencies for civil defense and defense mobilization functions. (See Digest 141 for other items of interest to the Department).
2. SOIL BANK. The Agriculture and Forestry Committee reported without amendment S. 2457, to authorize the Secretary to compensate producers under the Soil Bank

for actions based on erroneous information furnished by authorized representatives of the Secretary (S. Rept. 745). p. 14941

Passed without amendment S. 2323, to authorize the harvesting of hay on conservation reserve acreage in areas determined by the Secretary to be disaster areas. p. 14983

3. COMMITTEE EXPENDITURES. The Rules and Administration Committee reported without amendment S. Res. 161, to provide \$15,000 in additional funds for investigations by the Agriculture and Forestry Committee (S. Rept. 739). The report of the Agriculture and Forestry Committee on this resolution states as follows: "The committee is presently studying the Commodity Credit Corporation and related matters and field investigations may be required. Extensive hearings also may be required on proposed changes in the farm program. Increased funds will be necessary to complete these investigations, studies, and hearings."
4. WHEAT. Passed as reported S. 623, to provide a 2-year extension of the existing provision for a minimum durum wheat acreage allotment of 8,000 acres in the Tulalake area of California. p. 14970. (This bill, as introduced, would have exempted the producers in the area from all acreage restrictions on durum wheat permanently).
Passed over, at the request of Sen. Keating, S. 2449, to extend the International Wheat Agreement. p. 14980
5. FOOD STAMPS; SURPLUS COMMODITIES. Passed over, at the request of Sen. Keating, S. 2522, to provide for the enrichment and sanitary packaging of certain donated commodities, and to establish experimental food stamp allotment programs. p. 14971
6. ELECTRIFICATION. Passed without amendment S. 2263, to authorize the Federal Power Commission to exempt small hydroelectric projects from certain of the licensing provisions of the Federal Power Act (p. 14983). The bill raises the exemption limit for such projects from 100 to 2,000 horsepower capacity.
Passed over, at the request of Sen. Engle, S. Res. 21, expressing the sense of the Senate concerning the making of certain loans by REA. p. 14980
Passed without amendment S. 2264, to amend the Federal Power Act to prohibit abandonment of facilities and service without the consent of the Federal Power Commission. p. 14983
7. PUBLIC BUILDINGS. Passed over, at the request of Sen. Engle, S. 1654, to grant GSA additional authority for the construction, alteration, and acquisition of public buildings of the Federal Government. p. 14979
8. DISASTER RELIEF. Passed over, at the request of Sen. Hart, S. 2504, to authorize the sale at market prices of agricultural commodities owned by the CCC to provide feed for livestock in areas determined to be emergency areas. p. 14983
9. FARM PROGRAM. Sen. Symington inserted excerpts from the testimony of the Secretary before the Agriculture and Forestry Committee with "bracketed inserts of the language as it appeared after it had been edited in the Department of Agriculture" to bolster his charge that the Secretary "promised to submit in legal language an omnibus farm bill," and a newspaper editorial urging that this material be inserted in the Record. pp. 14945-6
Sen. Bush inserted a letter to the editor from a college professor urging that the Government "stop paying subsidies for farm products and use the savings to reduce taxes." p. 14962

Aug 19, 1959

24. SCIENTIFIC AWARDS. Passed with amendments H. R. 6283, to establish a National Medal of Science to provide recognition for individuals who make outstanding contributions in the physical, biological, mathematical, and engineering sciences. pp. 15030-1
25. SMALL BUSINESS. The Banking and Currency Committee reported without amendment H. R. 8599, to amend the Small Business Act so as to increase the revolving fund of the Small Business Administration from \$900,000,000 to \$1,100,000,000 (H. Rept. 946). p. 15033
26. PUBLIC BUILDINGS. Rep. Huddleston commended the GSA for using bituminous coal for the heating of Government buildings. p. 15068
27. RECLAMATION. Rep. Hagen commended the conferees for including funds in the supplemental appropriation bill for loans for construction of an irrigation distribution system in Tulare County, Calif. pp. 15068-9
28. MONOPOLIES. Rep. Patman inserted an article on the danger of monopolies, including a statement that big dairy plants are "moving swiftly toward control of the entire dairy industry." p. 15078
29. WATER RESOURCES. The Judiciary Committee reported with amendment H. R. 5711, to grant the consent of Congress to the Wabash Valley compact (H. Rept. 948). p. 15080
30. FOOD STAMPS. The "Daily Digest" states that the Rules Committee tabled a motion to grant a rule on H. R. 1359, to provide for the establishment of a food stamp plan for the distribution of \$1 billion worth of surplus food commodities a year to needy persons and families in the U. S. p. D795
31. THE AGRICULTURE COMMITTEE voted to report (but did not actually report) the following bills with amendment: H. R. 8639, ~~"to create an Agricultural Research and Development Commission" (industrial uses research bill)~~; H. R. 8578, to permit the harvesting of hay on conservation reserve acreage under certain conditions; ~~H. R. 4374, to provide for preserving wheat acreage history on~~ farms on which the farm marketing excess is adjusted to zero because of underproduction; and H. R. 8043, to authorize certain conservation reserve payments to producers due to erroneous contract approval. p. D794
32. RESEARCH. The Merchant Marine and Fisheries Committee voted to report (but did not actually report) H. R. 5813, to undertake continuing studies of the effects of insecticides upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources; and H. R. 5004, to undertake continuing research on the biology of the migratory marine species of game fish of the U. S. and contiguous waters; and the "Daily Digest" states that the committee re-referred to subcommittee H. R. 5814, to provide for cooperative unit programs of fish and wildlife resources research and demonstration between the Federal Government of the U. S., colleges, the several States and private organizations. p. D795

ITEMS IN APPENDIX

33. STATEHOOD. Rep. Porter inserted an editorial discussing why Puerto Rico "does not want to be a State." pp. A7156-8
34. FARM LABOR. Extension of remarks of Sen. Williams, N. J., inserting several articles discussing the economic and social problems of migrant laborers with special reference to the migratory workers in Maryland. pp. A7158-9, A7162

35. ELECTRIFICATION; RECLAMATION. Extension of remarks of Sen. Gruening inserting an address by Harold Moats, Corps of Engineers, favoring the proposed construction of a dam at Rampart on the Yukon. pp. A7159-60
Extension of remarks of Rep. Ullman expressing his opposition to private development of the Middle Snake River and inserting an editorial on this subject. p. A7180
36. CONSERVATION. Extension of remarks of Sen. Williams, N. J., favoring the proposed Youth Conservation Corps bill and inserting an article, "Revived CCC Might Do Great Job." p. A7165
37. CIVIL DEFENSE. Extension of remarks of Sen. Young inserting an editorial, "Parkinson's Law," and stating that he believes the editorial "presents convincingly the waste of taxpayers' money on an ever-increasing futile bureaucracy which will only perpetuate the already useless and inept Office of Civil and Defense Mobilization." pp. A7173-4
38. DEBT MANAGEMENT. Extension of remarks of Rep. Curtis, Mo., expressing his "regret" that no action has been taken on the legislative recommendation of the President designed to provide for economical management of the public debt. p. A7179

BILLS INTRODUCED

39. SURPLUS COMMODITIES. H. R. 8730, by Rep. Dent, and H. R. 8736, by Rep. Holland, to provide for the donation of surplus commodities to the States for distribution to needy persons; to Agriculture Committee.
40. PERSONNEL. H. R. 8729, by Rep. Chelf, to amend sections 111 and 1114 of title 18, United States Code; to Judiciary Committee.
H. R. 8738, by Rep. Murray, and H. R. 8739, by Rep. Rees, Kan., to improve the work of Federal employees through evaluation of work performance and to amend the Performance Rating Act of 1950; to Post Office and Civil Service Committee.
41. REA; ELECTRIFICATION. S. 2563, by Sen. Ellender (for himself and Sen. Aiken) (by request), to amend the Rural Electrification Act to provide a revolving fund for certain loans by the Secretary of Agriculture, for improved budget and accounting procedures; to Agriculture and Forestry Committee.

BILLS APPROVED BY THE PRESIDENT

42. SPECIAL MILK. S. 1289, to increase by \$6 million (to \$81,000,000) for the fiscal year 1960 and by \$9 million (to \$84,000,000) for the fiscal year 1961 the maximum amount of CCC funds which may be used for the special milk program. Approved August 18, 1959 (Public Law 86-163, 86th Congress).
43. ACREAGE ALLOTMENTS; COTTON. S. 1455, to provide that beginning with the 1960 crop, the entire current farm allotment shall be regarded as planted if during the current year or either one of the two preceding years the acreage actually planted or devoted to the commodity on the farm (or regarded as planted because of participation in the soil bank) was 75 percent or more of the farm allotment, and to authorize the transfer of unused cotton acreage allotments to other farms, first within each county, and then within the State. Approved August 18, 1959 (Public Law 86-172, 86th Congress).

ABANDONMENT OF FACILITIES AND SERVICE WITHOUT THE CONSENT OF THE FEDERAL POWER COMMISSION

The bill (S. 2264) to amend the Federal Power Act to prohibit abandonment of facilities and service without the consent of the Federal Power Commission was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202 of the Federal Power Act, as amended (16 U.S.C. 824a), is amended by adding at the end thereof a new subsection (g), as follows:

"(g) No public utility shall abandon or curtail any service subject to the jurisdiction of the Commission, or abandon all or any part of its facilities if it would thereby effect the abandonment, curtailment, or impairment of such service, without the permission and approval of the Commission first had and obtained, after notice and opportunity for hearing, upon a finding by the Commission that such abandonment or curtailment is consistent with the public interest."

PERFORMANCE OF CERTAIN COAST AND GEODETIC SURVEY AND WEATHER BUREAU FUNCTIONS

The bill (S. 2483) to provide flexibility in the performance of certain functions of the Coast and Geodetic Survey and of the Weather Bureau was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of July 22, 1947 (61 Stat. 400; 33 U.S.C. 873), is amended to read as follows:

"The Secretary of Commerce is hereby authorized to pay extra compensation to members of crews of vessels when assigned duties as instrument observer or recorder, and to employees of other Federal agencies while observing tides or currents, or tending seismographs or magnetographs, at such rates as may be specified from time to time by him."

Sec. 2. Section 3 of the Act of June 2, 1948 (62 Stat. 286, as amended; 15 U.S.C. 327), is hereby revised to read as follows:

"The Secretary of Commerce is hereby authorized to (a) appoint employees for the conduct of meteorological investigations in the Arctic region without regard to the civil service laws and fix their compensation without regard to the Classification Act of 1949, as amended (5 U.S.C. 1071 and the following), and titles II and III of the Federal Employees Pay Act of 1945, as amended (5 U.S.C. 911 and the following), at base rates not to exceed the maximum scheduled rate for GS-12, and (b) grant extra compensation to employees of other Government agencies for taking and transmitting meteorological observations."

RECOGNITION OF THE GALLANT ACTION OF THE SS. "MEREDITH VICTORY" IN EVACUATING HUNG-NAM, KOREA

The Senate proceeded to consider the bill (S. 2185) to provide appropriate public recognition of the gallant action of the SS *Meredith Victory* in December 1950 evacuation of Hungnam, Korea,

which had been reported from the Committee on Interstate and Foreign Commerce with an amendment, on page 1, line 10, after the word "time", to strike out "under the authority of section 3" and insert "and shall award a Merchant Marine Meritorious Service Medal to the master of the vessel at the time of the action, under the authority of sections 1a and 3", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the gallant action of the steamship *Meredith Victory* in saving the lives of over fourteen thousand Korean civilians by transporting them in a single voyage from Hungnam to Pusan in December of 1950, the Secretary of Commerce shall issue a citation and award a plaque to the steamship *Meredith Victory*, and shall award an appropriate citation ribbon bar to each person serving on board her at that time, and shall award a Merchant Marine Meritorious Service Medal to the master of the vessel at the time of the action, under the authority of sections 1a and 3 of the Act entitled "An Act to authorize medals and decorations for outstanding and meritorious conduct and service in the United States merchant marine, and for other purposes", approved July 24, 1956 (46 U.S.C. 249b), notwithstanding that such Act was not then in effect.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H.R. 4329) to provide for the conveyance to any public or private organization of the State of Virginia of certain dwellings acquired in connection with the Chantilly airport site, Virginia, and for other purposes was announced as next in order.

Mr. HART. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

AMENDMENT OF SOIL BANK ACT

The bill (S. 2323) to amend the Soil Bank Act so as to authorize the Secretary of Agriculture to permit the harvesting of hay on conservation reserve acreage under certain conditions was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 107(a)(3) of the Soil Bank Act is amended by inserting before the period at the end thereof a comma and the following: "and except that the Secretary may authorize the producer to harvest hay on such acreage if, after certification by the Governor of the State in which such acreage is situated of the need therefor, the Secretary determines that it is necessary to permit such harvesting in order to alleviate damage, hardship, or suffering caused by severe drought, flood, or other natural disaster".

Mr. YOUNG of North Dakota. I ask unanimous consent to have printed following passage of the bill a brief explanation of the bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR YOUNG OF NORTH DAKOTA

This bill authorizes the Secretary of Agriculture to permit the harvesting of hay from conservation reserve lands if the Governor of the State certifies the need therefor and the Secretary determines that such harvesting is necessary to alleviate damage, hardship, or suffering caused by a natural disaster. This authority would be similar to that which the Secretary now has to permit the grazing of conservation reserve lands, and is based upon the same considerations. The committee felt that it was not reasonable to provide Government assistance in the importation of hay into a drought area, as has been done in the past, and at the same time to prevent hay growing in the area from being harvested. The Department has indicated that necessary safeguards to prevent abuse of permission to harvest hay might be more difficult to enforce than those applicable to grazing permission. The committee felt, however, that such enforcement problems were not more serious than many imposed on the Department in connection with other programs and should not prevent enactment of this desirable measure. Section 485.163(b)(4) of the conservation reserve program regulations provides that no annual payment will be made if the land is grazed pursuant to permission from the Secretary. It is expected that if the Secretary finds it necessary to make no payment in the future where grazing is permitted that the same would apply to land where the hay is harvested.

BILL PASSED OVER

The bill (S. 2504) to authorize the sale at market prices of agricultural commodities owned by the Commodity Credit Corporation to provide feed for livestock in areas determined to be emergency areas, and for other purposes, was announced as next in order.

Mr. HART. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

EXEMPTION OF SMALL HYDRO-ELECTRIC PROJECTS FROM CERTAIN LICENSING PROVISIONS

The bill (S. 2263) to authorize the Federal Power Commission to exempt small hydroelectric projects from certain of the licensing provisions of the Federal Power Act was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (b), (e), and (i) of section 10 of the Federal Power Act, as amended (16 U.S.C. 803(b), 803(e), 803(i)), are amended by striking out the words "one hundred horsepower" in each such subsection and inserting in lieu thereof the words "two thousand horsepower".

REMOVAL OF GEOGRAPHICAL LIMITATIONS ON ACTIVITIES OF THE COAST AND GEODETIC SURVEY

The bill (S. 2482) to remove geographical limitations on activities of the Coast and Geodetic Survey, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of August 6, 1947 (ch. 504, 61 Stat. 787; 33 U.S.C. 883a-883i), is amended by adding at the end thereof a new section reading as follows:

"SEC. 11. The Secretary of Commerce may conduct activities authorized by this Act without regard to the geographical limitations set forth herein in connection with projects designated as essential to the national interest by the head of an executive department or agency."

CREDITING OF CERTAIN SERVICE FOR PURPOSE OF RETIRED PAY

The bill (H.R. 3365) to authorize the crediting of certain service for purpose of retired pay for nonregular service, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. HART. Mr. President, I ask unanimous consent that the calendar call be suspended at Calendar No. 732, H.R. 3365, to authorize the crediting of certain service for purpose of retired pay for nonregular service, and for other purposes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

GORGAS MEMORIAL LABORATORY

Mr. HILL. Mr. President, there is on the Calendar Order No. 735, the bill (S. 2219) to authorize appropriations for construction of facilities for the Gorgas Memorial Laboratory, and for other purposes. This bill was unanimously reported by the Senate Committee on Labor and Public Welfare.

I may say I have conferred this morning with the distinguished minority leader [Mr. DIRKSEN], and also the distinguished assistant minority leader [Mr. KUCHEL]. They both join me in asking that this bill may be brought before the Senate for consideration at this time.

The PRESIDING OFFICER. The bill will be stated by title.

The CHIEF CLERK. A bill (S. 2219) to authorize appropriations for construction of facilities for the Gorgas Memorial Laboratory and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective for fiscal years ending after June 30, 1960, section 1 of the Act of May 7, 1928 (22 U.S.C. 278), relating to the authorization of annual appropriations for maintenance and operation of the Gorgas Memorial Laboratory, is amended by striking out "\$150,000" and inserting in lieu thereof "\$250,000".

Sec. 2. Such Act is further amended by adding at the end thereof the following new section:

"SEC. 4. There are hereby authorized to be appropriated from time to time such sums as the Congress may find necessary for construction and equipment of facilities for the Gorgas Memorial Laboratory, including prepa-

ration of plans and specifications, acquisition, alteration, expansion, and remodeling of buildings, and site improvements; but excluding the cost of the acquisition of land."

ESTABLISHMENT OF FISH HATCHERY IN PENNSYLVANIA

Mr. JOHNSON of Texas. Mr. President, there were some bills passed over that we have been able to clear, and I should like to ask Senators to give their attention to them. One is Order No. 620, H.R. 2398.

I ask unanimous consent that the Senate proceed to the consideration of that bill.

The PRESIDING OFFICER. The bill will be stated by title.

The CHIEF CLERK. A bill (H.R. 2398) to provide for the establishment of a fish hatchery in the northwestern part of the State of Pennsylvania.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. JOHNSON of Texas. Mr. President, the able junior Senator from Pennsylvania [Mr. SCOTT] has discussed this matter with me. If he cares to, I should like to ask him to explain it. As soon as his explanation is concluded, we shall act on the bill.

Mr. SCOTT. Mr. President, I appreciate very much the courtesy of the distinguished majority leader, and I am thankful to him for giving us an opportunity to bring up a bill which is important not only to Pennsylvania, but to the northern part of West Virginia, western New York, and part of Ohio.

The purpose of the bill is to authorize construction and equipment of a fish hatchery in the Kinzua Dam area of northwestern Pennsylvania, in connection with the Allegheny River Reservoir.

The hatchery cost is estimated at not more than \$1 million. The annual operating cost is estimated at \$90,000.

The Department of the Interior, Fish and Wildlife Service, has recommended the enactment of this bill.

It is consistent with the policy of the Federal Government to sponsor to the fullest extent recreational opportunities for our people, taking full advantage of our natural resources.

The PRESIDING OFFICER. The bill is open to amendment.

If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 2398) was ordered to a third reading, read the third time, and passed.

Mr. JOHNSON of Texas. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SCOTT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGING OF NAME TO THEODORE ROOSEVELT DAM IN ARIZONA

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the

Senate proceed to the consideration of Order No. 637, Senate Joint Resolution 25.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The CHIEF CLERK. A joint resolution (S.J. Res. 25) to change the name of Roosevelt Dam in Arizona to Theodore Roosevelt Dam.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution, which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the enacting clause and insert:

That the dam, reservoir, and powerplant in Arizona, known as Roosevelt Dam, Reservoir, and Power Plant, shall hereafter be known as Theodore Roosevelt Dam, Lake, and Power Plant, and any law, regulation, document, or record of the United States in which such dam, reservoir, and powerplant are designated or referred to under the name Roosevelt Dam, Reservoir, and Power Plant shall be held to refer to such dam, reservoir, and powerplant under and by the name of Theodore Roosevelt Dam, Lake, and Power Plant.

Mr. JOHNSON of Texas. Mr. President, the joint resolution was introduced by the junior Senator from Arizona [Mr. GOLDWATER]. He had anticipated being present to explain it, but he is attending an important meeting of the conference committee on the labor bill, and he has asked me to act in his behalf.

The purpose of the resolution is to definitely identify the dam and accessory facilities with the name of Theodore Roosevelt, 26th President of the United States, who served from 1901 to 1909. It was during his incumbency that the dam and auxiliary works were authorized as major features of the Salt River project, one of the earliest reclamation developments under the Reclamation Act of 1902. This act was sponsored by Theodore Roosevelt and the major basic facility—Roosevelt Dam—was given his name on its completion in 1911. He also dedicated the dam on its completion on March 18, 1911.

Subsequently, by election to the Presidency in 1932, Franklin D. Roosevelt's name also became associated with reclamation, and his name has been linked with the reservoir behind Grand Coulee Dam in the State of Washington.

Under the substitute joint resolution, the name of Theodore Roosevelt is definitely associated with the dam and auxiliary works of the major structure of the Salt River project in Arizona.

I am informed that the Arizona Senators are very anxious to see that this resolution is passed, and I hope it will be adopted.

The PRESIDING OFFICER (Mr. Moss in the chair). The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The joint resolution is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

86TH CONGRESS
1ST SESSION

S. 2323

IN THE HOUSE OF REPRESENTATIVES

AUGUST 20, 1959

Referred to the Committee on Agriculture.

AN ACT

To amend the Soil Bank Act so as to authorize the Secretary of Agriculture to permit the harvesting of hay on conservation reserve acreage under certain conditions.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 107 (a) (3) of the Soil Bank Act is amended
4 by inserting before the period at the end thereof a comma
5 and the following: "and except that the Secretary may
6 authorize the producer to harvest hay on such acreage if,
7 after certification by the Governor of the State in which
8 such acreage is situated of the need therefor, the Secretary
9 determines that it is necessary to permit such harvesting

- 1 in order to alleviate damage, hardship, or suffering caused
- 2 by severe drought, flood, or other natural disaster”.

Passed the Senate August 19 (legislative day, August 18), 1959.

Attest:

FELTON M. JOHNSTON,

Secretary.

Library of the University of Virginia
Charlottesville, VA 22904-4130

U.S. DEPARTMENT OF THE ARMY
The Adjutant General's Office
The Adjutant General's Office
The Adjutant General's Office

VAH VCI

2 2383

AN ACT

To amend the Soil Bank Act so as to authorize the Secretary of Agriculture to permit the harvesting of hay on conservation reserve acreage under certain conditions.

August 20, 1959

Referred to the Committee on Agriculture

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

CONTENTS

Issued Aug. 27, 1959
For actions of Aug. 26, 1959
80th-1st, No. 147

Animal diseases.....	30		
Appropriations.....	17,27		
Atomic energy.....	23		
Awards.....	37,45		
Banking.....	19		
Buildings.....	16		
Compensation.....	39		
Conservation.....	10		
Disaster relief.....	1		
Education.....	24		
Electrification.....	13		
Expenditures.....	43		
Farm income.....	9		
Farm labor.....	6		
Farm program.....	5,36		
Feed.....	1		
Fisheries.....	44		
Food stamps.....	29		
Foreign aid.....	21,33		
Foreign trade.....	2,28		
Health.....	39		
Housing.....	12		
Insect control.....	38		
Insecticides.....	41		
Industrial uses.....	11		
Interest rates.....	15		
Labeling.....	41		
Lands.....	18,20,34,40		
Latin American policy.....	21		
Legislative program.....	27		
Legislative recommendations.....	43		
Minerals.....	20,34,40		
Peanuts.....	8		
Personnel.....	22,39		
Plants.....	25		
Poultry.....	42		
Price supports.....	5		
Public Law 480.....	2,29		
Reclamation.....	26		
Recreation.....	18,31		
Research.....	10,11		
Science.....	45		
Seeds.....	25		
Subsidies.....	43		
Sugar.....	7		
Surplus commodities.....	2		
Tobacco.....	32		
Vehicles.....	14		
Water pollution.....	3		
Water utilization.....	13		
Weather.....	35		
Wheat.....	4		

HIGHLIGHTS: Senate passed bill to authorize sale of CCC feed in emergency areas. House committee reported industrial uses research bill. House Rules Committee cleared housing bill. Sen. Stennis urged extension of Public Law 480. Rep. Nelson and others defended RFA program.

SENATE

1. FEED; DISASTER RELIEF. Passed without amendment S. 2504, to authorize the Secretary to sell at market prices CCC feed for livestock in emergency areas. pp. 15623-5
2. FOREIGN TRADE; SURPLUS COMMODITIES. Sen. Stennis discussed the accomplishments under the Public Law 480 program, stated that it "has been conducted on a sound business principle," and urged extension of the program. pp. 15583-4
3. WATER POLLUTION. The Public Works Committee voted to report (but did not

actually report) with amendments H. R. 3610, to increase grants for the construction of sewage treatment works under the Federal Water Pollution Control Act. p. D829

4. WHEAT. Sen. Dirksen inserted an article criticizing wheat referendum procedures whereby the votes of producers with small acreage have the same weight as the votes of producers with large acreage, and stated that the article "merits the attention of the Congress and also of the Department of Agriculture." p. 15566
5. FARM PROGRAM. Sen. Murray inserted a letter from a farmer constituent criticizing a magazine article, "What You Can Do About the Farm Scandal," and stating that "The price support income works right through the whole American economy, and our friends in the larger cities are benefiting more than they are aware." p. 15571
6. FARM LABOR. Sen. Stennis expressed "concern in proposed regulations which the Department of Labor" has under consideration for the regulation of farm labor wages and working conditions, and inserted an article discussing such proposed regulations. p. 15583
7. SUGAR. Sen. Johnston inserted an analysis prepared for him by the Library of Congress, "The International Sugar Market Situation," and stated that in paying Cuba a premium price for its sugar "we are giving millions of dollars to a country which is confiscating our property." pp. 15584-5
8. PEANUTS. Sen. Keating defended his proposal to amend H. R. 4938, to exempt green peanuts from allotments and quotas, to include his civil rights proposals. pp. 15569-70
9. FARM INCOME. Sen. Long inserted and discussed figures showing recent increases in income and employment in Louisiana, including increases in farm income and farm employment. pp. 15585-7
10. RESEARCH. The Rules and Administration Committee reported a resolution to authorize the printing of the report, "Facility Needs: Soil and Water Conservation Research" as a Senate document. p. 15563

HOUSE

11. RESEARCH. The Agriculture Committee reported with amendment H. R. 8639, "To create an Agricultural Research and Development Commission, to provide for more effective research programs designed to expand markets for agricultural and forestry products to reduce surpluses, to increase farm income, and to benefit consumers" (H. Rept. 1055). p. 15690
12. HOUSING. The Rules Committee reported a resolution for the consideration of S. 2539, the new housing bill. p. 15690. (See Digest 140 for the portion of the bill of interest to this Department.)
13. ELECTRIFICATION; WATER UTILIZATION. Rep. Nelsen stated that 4 months had elapsed since the battle on REA organization within the USDA (S. 144) and that "power still continues to flow to 96 percent of the farms of America," notwithstanding the admonitions of Clyde Ellis, general manager of the NRECA, who favored enactment of the reorganization bill. Rep. Nelsen

Once again I should like to ask the Senator from Illinois if he is sure. If he is sure this is true, then why have a diversion of 1,000 cubic feet per second, which is strenuously opposed by a number of States and the Dominion of Canada?

On page 5 of his statement the Senator from Illinois said:

As a matter of fact, the permanent diversion of a thousand cubic feet per second—for which we are not asking at this time—would only lower the level of Lakes Michigan and Huron by five-eighths to 1 inch.

If he knows it, why have the diversion which we and the Dominion of Canada consider consists of a taking of property away from us? Why have the diversion if the Senator has the information without having a study?

Then the Senator from Illinois pointed out, on page 5, paragraph 4:

Chicago will abide by the decision and recommendation of the report and of the Court. It only asks that its opponents give a similar pledge.

Mr. President, I wanted to ask the Senator from Illinois if it is true that the Supreme Court, in 1930, asked Chicago to file two reports a year thereafter and whether or not Chicago has complied with that request. It is my understanding Chicago has been asked to do that and that Chicago has not complied with the decision of the Supreme Court. Chicago has failed to comply with the requirements and requests of the Supreme Court.

Mr. President, at the conclusion of his remarks, but not in his printed text, the Senator from Illinois said that there would be some incidental benefits to navigation from this diversion and he emphasized this two or three times. He said that the primary benefit would be to the sanitary district and to the sanitary quality of water in the Illinois Waterway.

This statement by the Senator from Illinois was flatly contradicted by Col. Arthur C. Nauman, of the Corps of Engineers, in his testimony in 1958 before the Public Works Committee, when he said there would be no beneficial effects to navigation on the Illinois Waterway by additional diversion. He has said that as clearly as it could be stated. There is no question about it. There are no incidental beneficial effects, and no competent authorities have questioned that statement. The only possible beneficial effect would be in the quality of water in the Illinois Waterway.

We have the most competent authority, the top man on pollution in the Public Health Service, who has told us that he does not need the diversion to tell us exactly what the effect of the permanent diversion of 1,000 feet or any other amount would be on the oxygen content of the water in the Illinois Waterway.

Mr. President, there were a few other questions I wanted to ask the distinguished Senator from Illinois. As I have said, I understand why the Senator felt it was necessary to leave. I think, in all fairness, I should make these points. I was prepared to ask the Senator from Illinois these questions while he was

making his excellent speech. I asked him a question in the beginning. He said after that he would not yield to me. He yielded to my senior colleague from Wisconsin and the Senator from Ohio occasionally. He refused to yield to me. I do hope in the course of the debate we shall have an opportunity to explore the points he has made, which, if they are not challenged, may perhaps persuade a number of Senators to vote for the proposed legislation. I think when those points are examined and challenged, it is clear there is no merit to the points; and when those points are refuted, the argument of the Senator from Illinois disappears.

SALE AT MARKET PRICES OF AGRICULTURAL COMMODITIES TO PROVIDE FEED FOR LIVESTOCK

Mr. MANSFIELD. Mr. President, I ask unanimously consent that H.R. 1 be temporarily laid aside and that the Senator from Wisconsin [Mr. PROXMIRE] not lose the floor, so that the Senate may proceed to consider Calendar No. 729, S. 2504, with the proviso that once action has been taken on that bill, we may return to the consideration of H.R. 1, and that the Senator from Wisconsin will retain his right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent the Senate may proceed to the consideration of Calendar No. 729, S. 2504.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 2504) to authorize the sale at market prices of agricultural commodities owned by the Commodity Credit Corporation to provide feed for livestock in areas determined to be emergency areas, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement indicating the need for the proposed legislation. The bill covers a drought area in the Great Plains region, and the relief it provides is very much needed at this time.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT

The bill authorizes the sale at market prices of feed grains owned by Commodity Credit Corporation, to meet shortages in emergency areas. The bill thus exempts such sales from the minimum resale price provision of section 407 of the Agricultural Act of 1949. The bill also authorizes the Secretary of Agriculture to permit the harvesting of hay from conservation reserve lands under certain conditions to alleviate hardship caused by natural disaster.

SECTION-BY-SECTION EXPLANATION

Section 1 authorizes the Secretary of Agriculture to sell wheat, corn, oats, barley, rye, or grain sorghums owned by Commodity

Credit Corporation at market prices to provide livestock feed in any area determined to be an emergency area under section 2. This provision constitutes a limited exemption from section 407 of the Agricultural Act of 1949, which prohibits the Commodity Credit Corporation from selling any of such commodities for "less than 5 percent above the current support price for the commodity, plus reasonable carrying charges." Sales for seed or feed are excepted by section 407(C) from this limitation if they will not substantially impair any price-support program, but in the past the Secretary has been reluctant to find that they will not.

Section 2 authorizes the Secretary of Agriculture to designate the areas in which the sales authorized by section 1 may be made. He may make such designation if he determines that, as a result of flood, drought, hurricane, tornado, or other catastrophe, there is a shortage of feed for livestock in the area. Such a designation by the Secretary would not be required to meet the more rigid conditions of Public Law 875, 81st Congress, section 2(d) of Public Law 38, 81st Congress, or section 407 of the Agricultural Act of 1949, which require certification by the Governor and a determination by the President that a "major disaster" has occurred.

Section 3 restricts sales under section 1 to persons unable to obtain sufficient feed for their livestock without undue financial hardship and who agree to use the grain purchased by them only to feed such livestock. The Secretary would, of course, be expected to work out a program under which the normal channels of trade might be used in making such sales.

Section 4 imposes a penalty to be collected by civil suit upon any person who breaches his agreement to use feed purchased under section 1 only for his own livestock. The penalty would equal the market value of the feed with respect to which the breach occurs.

Section 5 authorizes the Secretary to permit the harvesting of hay from conservation reserve lands if the Governor certifies the need therefor and the Secretary determines that such harvesting is necessary to alleviate damage, hardship, or suffering caused by a natural disaster. This authority is similar to that which the Secretary now has to permit the grazing of conservation reserve lands, and is based upon the same considerations. The committee felt that it made no sense to provide Government assistance in the importation of hay into a drought area, as has been done in the past, and at the same time to prevent hay growing in the area from being harvested. The Department has indicated that necessary safeguards to prevent abuse of permission to harvest hay might be more difficult to enforce than those applicable to grazing permission. The committee felt, however, that such enforcement problems were not more serious than many imposed on the Department in connection with other programs and should not prevent enactment of this desirable measure. Section 485.163(b)(4) of the conservation reserve program regulations provides that no annual payment will be made if the land is grazed pursuant to permission from the Secretary. It is expected that similar provision would be made if hay harvesting were permitted.

EXISTING FEED GRAIN ASSISTANCE AUTHORITY

Section 407 of the Agricultural Act of 1949 now authorizes the Commodity Credit Corporation to make available any farm commodity owned by it for use in relieving distress "in connection with any major disaster determined by the President to warrant assistance by the Federal Government under Public Law 875, 81st Congress." Section 2(d) of Public Law 38, 81st Congress, authorizes the Secretary "in connection with

any major disaster determined by the President to warrant assistance by the Federal Government under Public Law 875, 81st Congress * * * to furnish * * * feed for livestock * * *." A Department press release describes its existing program as follows:

"4. Feed grains: If the President has declared the State a major disaster area, the Secretary of Agriculture may designate specified areas eligible for livestock feed grain programs. In extreme cases, under the disaster relief feed grain program surplus grains are made available on a temporary donation basis to State agencies for feeding distressed livestock. Under the emergency feed program, eligible farmers may receive assistance of \$1 per hundredweight in the purchase of surplus grains for maintaining foundation herds of cattle, sheep, and goats. This second program operates through authorized feed dealers."

Because of the legislative and administrative history of these provisions, as well as some differences in the provisions themselves, the Department is reluctant to extend assistance under them in the case of a first-year drought, or to provide relief under them for hogs or other than foundation herds. As pointed out in the discussion herein of section 2, the criteria for designation of an area for feed assistance under the bill are less stringent than those provided for by existing law. On the other hand, where existing law authorizes donations, the bill goes only so far as to permit the sale at market prices.

IMMEDIATE NEED FOR BILL

In introducing the bill Senator MUNDT described the situation in his own State which made its introduction necessary as follows:

"This bill has been drafted to provide the Secretary of Agriculture with the necessary statutory authority to meet a critical feed situation which currently exists in many counties throughout my home State of South Dakota. South Dakota has been hit by severe drought conditions, and it appears certain that the production of corn and other feed grains is going to be far below the normal annual volume. Feed grain producers, anticipating this low harvest, are holding in storage corn and other feed grains, which would normally be moving into the market. This retention of feed from the market is occurring for at least two reasons. First, many South Dakota feed grain producers are also engaged in livestock production. Normally these farmers feed a portion of their crop, and move the remainder into the grain markets. However, this year the portion of last year's crop that would normally be marketed is being held, for it will be required to meet their own feeding needs. Second, other commercial feed grain producers are, undoubtedly, holding a portion of last year's crop in storage, awaiting a more favorable market price.

"The unfortunate result of this retention of feed by producers is that there is simply no feed available for purchase in many drought-stricken areas at the normal markets. Thus, livestock feeders and producers who are not diversified and who do not raise their own feed are not able to purchase their feed requirements.

"I have received numerous letters from livestock men and farmers who request that the surpluses owned by the Commodity Credit Corporation be made available for purchase at the existing market prices. I am advised that Commodity Credit Corporation has approximately 44 million bushels of corn in storage in South Dakota.

"It is patently obvious that livestock producers and feeders cannot afford to pay the premium prices for feed, which are required under the existing statutes. It is equally obvious that the current feed shortage can-

not persist much longer without causing irreparable damage to the livestock industry in South Dakota. The feed shortage is so severe in some areas of the State that producers are sincerely fearful of depredation of foundation herds. Should this tragedy occur, it would be a matter of years before the South Dakota livestock industry would be fully recovered."

DEPARTMENTAL VIEWS

DEPARTMENT OF AGRICULTURE,
Washington, D.C.

Hon. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry, U.S. Senate.

DEAR SENATOR ELLENDER: This is in reply to your request of August 8, 1959, for a report on S. 2504, a bill to authorize the sale at market prices of agricultural commodities owned by the Commodity Credit Corporation to provide feed for livestock in areas determined to be emergency areas, and for other purposes.

This Department does not recommend the enactment of S. 2504.

Section 1 of the bill provides notwithstanding the provisions of section 407 of the Agricultural Act of 1949, the Secretary of Agriculture is authorized to sell, at market prices, any wheat, corn, oats, barley, rye, or grain sorghums owned by the Commodity Credit Corporation, to provide feed for livestock in any area determined by him to be an emergency area.

Section 2 provides that the Secretary may designate any area as an emergency area for the purposes of this act if he determines that, as a result of flood, drought, hurricane, tornado, or other catastrophe, there is a shortage of feed for livestock in such area.

Section 3 provides that the Secretary shall not sell feed grains under this act to any person unless he is satisfied that such person does not have, and is unable to obtain through normal channels of trade without undue financial hardship, sufficient feed for livestock owned by him, and unless such person agrees to use the feed grains only for feed for such livestock.

Section 4 provides a penalty provision in case of misuse of feed provided under the bill.

Section 5 amends section 107(a)(3) of the Soil Bank Act authorizing the Secretary to permit producers, under emergency conditions, to harvest hay on conservation reserve acres.

Our major objection to S. 2504 stems from section 2 which would place responsibility in the Secretary for designating any area as an emergency area as a result of catastrophe if he determines there is a shortage of feed therein. No standards are provided for evaluating the extent of the catastrophe. There appears to be no need for such additional authority. Present provisions of section 407 enable the Secretary to make available such supplies of commodities, including feed grains, owned or controlled by Commodity Credit Corporation as are deemed necessary in connection with major disasters determined by the President to warrant assistance by the Federal Government under Public Law 875, 81st Congress, as amended. In this situation, therefore, additional authority in this field not only is unnecessary but would unduly complicate operations and determinations required to be made in view of present legislation.

The first section of the bill authorizing sales at market prices of CCC-owned feed grains including wheat, for livestock feed, in areas determined by the Secretary as emergency areas, would give rise to additional problems. For example, such sales could have price-depressing effects on the normal marketing of livestock feeds through established commercial trade channels. Aside from interference with normal commercial transactions, such sales could seri-

ously impair effective price-support operations in the designated areas. Net result, then, may require the takeover of larger quantities of these commodities under the price support program and lead to increased losses.

Section 5 would amend section 107(a)(3) of the Soil Bank Act by authorizing the Secretary to allow the producer to harvest hay on conservation reserve acres which are under contract under certain emergency conditions. No provision is made for this in the present law which permits the farmer in a specified disaster area who has livestock to graze the designated acreage during the emergency period. Permission to harvest hay from the land would open the door to abuses of the program and defeat of the purposes by permitting the harvest of hay from the acreage and sale of that hay at a later date, long after the emergency is past. To prohibit sale would require the employment of additional persons to check and an additional procedure for checking and spot-checking. Farmers participating in the program in other areas would be unable to understand why hay could be cut for storage and sale in one area and not from theirs. When under present law the growth on the land is permitted to be pastured in a disaster area, it alleviates the problems of the man who owns cattle and does not create additional problems and pressures.

In view of the telephone request for immediate submission of this report in order that the committee may consider it immediately, we have not obtained advice from the Bureau of the Budget regarding the relationship of this proposed legislation to the program of the President.

Sincerely yours,

E. L. PETERSON,
Acting Secretary.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 407 of the Agricultural Act of 1949, the Secretary of Agriculture is authorized to sell, at market prices, any wheat, corn, oats, barley, rye, or grain sorghums (hereafter referred to as feed grains), owned by the Commodity Credit Corporation, to provide feed for livestock in any area determined by him to be an emergency area under section 2.

SEC. 2. The Secretary may designate any area as an emergency area for the purposes of this Act if he determines that, as a result of flood, drought, hurricane, tornado, or other catastrophe, there is a shortage of feed for livestock in such area.

SEC. 3. The Secretary shall not sell feed grains under this Act to any person unless he is satisfied that such person does not have, and is unable to obtain through normal channels of trade without undue financial hardship, sufficient feed for livestock owned by him, and unless such person agrees to use the feed grains only for feed for such livestock.

SEC. 4. Any person who fails to carry out an agreement entered into under section 3 with respect to any feed grains purchased under this Act, or who disposes of any such feed grains other than by feeding to livestock owned by him, shall be subject to a penalty equal to but not in excess of the market value of the feed grains involved, to be recovered by the Secretary in a civil suit brought for that purpose.

SEC. 5. Section 107(a) (3) of the Soil Bank Act is amended by inserting before the period at the end thereof a comma and the following: "and except that the Secretary may authorize the producer to harvest hay on such acreage if, after certification by the Governor of the State in which such acreage is situated of the need therefor, the Secretary determines that it is necessary to permit such harvesting in order to alleviate damage, hardship, or suffering caused by severe drought, flood, or other natural disaster."

THE PONY EXPRESS

Mr. ALLOTT. Mr. President, the pages of American history glow with no more romantic, glorious episodes than those which deal with the era of the pony express. The spirit and daring of its riders has held the wonder of generations of American boys. The brief history of this gallant band of men is one which must be preserved, however, best we can. My distinguished friend, the very able senior Senator from Utah [Mr. BENNETT] has introduced a bill which seeks to accomplish that end, and I am privileged to cosponsor S. 2454.

In keeping with the aims of the bill and of the Pony Express Centennial celebration, I wish to invite attention to a very colorful history written by my good friend of 25 years, Rev. Raymond W. Settle. It is entitled "The Pony Express: Heroic Effort, Tragic End."

Reverend Settle spent 7 years in my hometown of Lamar, Colo., during which time my knowledge and appreciation of Western lore was enhanced by this remarkable man. As teacher, author, and clergyman, Raymond Settle has established for himself an outstanding reputation as a chronicler of the West.

So that my colleagues may share the excitement of reading again of those splendid days of yesteryear, I ask unanimous consent that excerpts from the article be printed at this point in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

THE PONY EXPRESS: HEROIC EFFORT, TRAGIC END

(By Raymond W. Settle)

Everyone connected with the Pony Express knew, from the very beginning, that it would operate only temporarily. On April 3, 1860, in a celebration commemorating the start of the first rider from St. Joseph, Mo., Alexander Majors, partner in the firm of Russell, Majors & Waddell, which founded, operated, and owned the Express, said in a speech that it was but the forerunner of "a more important and greater enterprise, which must soon reach its culmination, viz., the construction of a road upon which a tireless iron horse will start his overland journey."

Mayor M. Jeff Thompson grew prophetic on the same occasion, and said "Hardly, will the cloud of dust which envelops the rider die away before the puff of steam will be seen upon the horizon."

That a railroad from the Missouri River to the Pacific coast, which both speakers had in mind, would make the Pony Express unnecessary and terminate its service was both logical and inevitable. William H. Russell, another partner in the firm of Russell, Majors & Waddell and president of the Central Overland California & Pike's Peak Express Co., who had helped promote several

short railroads in Missouri a few years before, also knew this, and so did William B. Waddell, the third partner.

Public interest in a transcontinental railroad across the plains and mountains was keen, and mounting year by year. Mayor Thompson and the people of St. Joseph had been dreaming dreams and seeing visions about the proposition for a long time. The recent completion of the Hannibal & St. Joseph Railroad, the first to be built across the State, and plans to push the Roseport & Palmetto line across the plains of Kansas to Denver, with the expectation of later extending it all the way to the Pacific coast, made them believe their little city of St. Joseph was destined to be the gateway to the boundless West.

Since the Pony Express constitutes an important segment of the story of transporting U.S. mail to the Pacific coast, it is necessary to outline that broader narrative here. It all began with the discovery of gold at Sutter's mill in California on January 24, 1848. During the following year 100,000 people rushed into that region seeking riches. In 1850 the population was estimated to be about 300,000. By the time the Pony Express was started it numbered almost 400,000.

The first agitation for mail service to the Pacific coast was promoted by immigrants to Oregon. In March 1847, a bill to provide this service, which included the building of five steamships under the supervision of the Secretary of the Navy, was passed by Congress. While the ships were being constructed, contracts for transporting the mail to Oregon via the Isthmus of Panama were let. The one for the Atlantic end of the line went to A. G. Sloo, of Ohio, and that for the Pacific to Arnold Harris, of Arkansas. In April 1848, William Aspinwall formed the Pacific Steamship Co. Sloo transferred his contract to George Law, and that of Harris went to Aspinwall. The service was to be once a month, with a stop at the infant town of San Francisco. While the first steamer, the *California*, was en route to the Pacific around Cape Horn, gold was discovered at Sutter's mill. When the ship reached San Francisco she was left stranded in the bay by her entire crew, who stampeded off to the gold diggings.

From the beginning the once a month arrangement was unsatisfactory to the people of Oregon and California. The majority in both territories, having come overland from the Missouri River, were convinced that a mail line over the same road would render far better service than a sea route via Panama.

The people of the west coast not only wanted more frequent, regular service, but also a speedier one. After several unsatisfactory attempts to establish a line on the central route by way of Salt Lake City, Congress, in 1857, authorized a semiweekly overland mail to California on a 25-day schedule, with pay of \$600,000 per year.

The route, chosen by the Postmaster General, ran from St. Louis through Little Rock, Ark., El Paso, and Preston, Tex., Forts Fillmore and Yuma, Ariz., to San Diego and San Francisco—a distance of approximately 2,800 miles. In the East it became known as the Horseshoe or Ox-bow Route.

The contract to carry the mail over this long route was given to the Overland Mail Co., whose president, John Butterfield, was also one of the organizers of the American Express Co. This concern, which had much to do with the Pony Express during the last 4 months of its existence, was organized and financed by representatives of the four principal express companies in the country, the American, Adams, National, and Wells Fargo.

Before service on this line began, a storm of protest over its length was raised in California and the East. In spite of complaints, however, Butterfield laid out his route, built

stations, bought equipment, and stocked it with good horses. Service began on September 16, 1858. The criticisms continued in spite of the fact that the coaches ran with amazing regularity and on schedule time.

About the time the Overland Mail Co. went into operation, gold was discovered in Colorado. The great number of people who flocked to the new El Dorado on Cherry Creek led William H. Russell and John S. Jones to organize the Leavenworth & Pike's Peak Express Co. and run a line of stages from Leavenworth, Kans., to the infant town of Denver. The organization of this company introduced Russell to the stagecoach and express business and opened to him the possibilities of transporting the mail to California over the central route. About a week before the line went into actual operation he bought J. M. Hockaday & Co.'s contract to carry mail from the Missouri River to Salt Lake City.

The Leavenworth & Pike's Peak Express Co. was destined for only a brief existence. Because of the firm's inability to pay running expenses and notes owing for equipment and stock, Russell, Majors & Waddell were compelled to take over the line on October 28, 1859. Instead of discontinuing the former, a new concern, the Central Overland California & Pike's Peak Express Co., was organized to absorb it.

Without a doubt competition with the Overland Mail Co. for the business of carrying the mail to the west coast was one of the primary reasons for organizing the new company. On May 11, 1860, the Postmaster General annulled George Chorpennin's contract for carrying the mail from Salt Lake City to the west coast, and awarded it to the Central Overland California Pike's Peak Express Co. This put the company into the stagecoach, express, and mail business for the territory from the Missouri River to California over the central route and in a position to compete with the Overland Mail Co.

Although the Central Overland now had two mail contracts on that route, the combined pay was only \$260,000 per year, less than half the amount the Overland Mail Co. received. That, as experience quickly demonstrated, was not even enough to pay the actual expenses of operation. It did, however, encourage the friends and advocates of the central route to hope that a contract to carry all of the mail might be eventually secured.

In normal circumstances and with the pony express to dramatize and keep that route in the public mind, both in the East and West, the firm of Russell, Majors & Waddell and their new company might have wrested the great mail contract away from its rival, the Overland Mail Co. The struggle between the giants, however, never progressed beyond the preliminary stage of jockeying for position. The probabilities are that had the threat of civil war been abated in 1860 there would have been two lines with profitable mail contracts covering them. The one could have served southern California, and the other the central and northern portion and the Northwest. Under this arrangement good service could have been provided and the sectional controversy over the routes satisfactorily compromised.

When Congress convened in December 1860, the hoary battle of the routes was resumed. In spite of the fact that Southern influence and power declined daily by the secession of States and the resignation of Members of both Houses, the struggle promised to be almost as bitter as ever.

On February 2, 1861, the annual post route bill, which provided for a daily mail from the Missouri River to California with pay of \$800,000 per year, was introduced. This did not designate the central route, but apparently its backers had it in mind.

Senator William M. Gwen, of California, thought the pay should be \$1 million and that the contract should go to Russell, Majors & Waddell and their Central Overland California & Pike's Peak Express Co.

William H. Russell and William B. Dinsmore, president of Adams Express Co. and also John Butterfield's successor as president of the Overland Mail Co., were both in Washington at this time. Moreover, they were without doubt carrying on negotiations relative to the consolidation of the two routes. That this was so is indicated by the fact the Post Office and Roads Committee of the Senate was debating this very thing. What happened later regarding those routes and the plan adopted by the rival companies is further evidence of it.

Unfortunately a commonsense plan did not mature. While the post route bill was being debated in the Senate, and before the Post Office and Roads Committee of the same body had made a report, word reached Washington that the Overland Mail line had been "cut up by the roots" by the Confederates in Texas and all its stages stopped. This was all too true. The mail had been halted at Fort Smith, Ark., in the East and Tucson, Ariz., in the West. The stage station at Syracuse, Mo., and the principal railroad bridges on the Missouri Pacific Railroad west of St. Louis had been burned. Service on the southern route was never resumed. For a period of approximately 3 months the only mail service the people of the west coast had was carried to them by pony express and the Russell, Majors & Waddell Co., or by sea.

If this company ever received any extra pay for the added burden and expense it cheerfully bore during that interim, no record of it exists. The Overland Mail Co., however, received full pay during the time its line was out of commission and \$50,000 besides for losses in stock and equipment.

With Texas out of the Union and Confederate Forces being rapidly mobilized in Arkansas and Missouri, it was obviously impossible to continue the transportation of mail to California over the southern route. For the time being the Overland Mail Co. was out of business, a casualty of the war.

The breaking up of that company's line and the stopping of mail to California over it presented the Government with as pretty a dilemma as one could hope to find. The Overland Mail Co. had faithfully discharged its obligations under its contract, and the stoppage of the mail to California could in no manner be charged to it. The case was so simple and plain that everybody's sympathy was aroused, and no one thought of attempting to find grounds for annulling the contract and awarding it to the Central Overland California & Pike's Peak Express Co. Neither was there any complaint against the Central Overland's handling of the mail on the central route; nor was there any reason for annulling its two contracts and awarding them to the Overland Mail Co. To further complicate the situation, the financial condition of both companies, plus the shattered economic structure of the whole country, made it almost impossible for either of them to secure large loans which would be necessary if one company were to attempt to carry the whole burden alone.

The truth of the matter was there was no simple, easy way out of the dilemma. The Overland Mail Co. had the main contract for transporting mail to California, but no line over which to travel. The Russell, Majors & Waddell Co. had two minor contracts and the only open, unexposed route. What to do? Solution of the dilemma by the process of annulment and the certain ruin of one of the contractors was not considered.

And something had to be done, for the regular flow of mail to and from California had to be maintained at any cost. A movement to carry that State out of the Union,

or divide it north and south, was already being promoted with some promise of success. If California seceded, her gold would be denied the hard-pressed Union. Furthermore, if that catastrophe occurred, the position of Oregon and Washington would be jeopardized.

Without a doubt the dilemma was solved by an understanding between William H. Russell, William B. Dinsmore, and congressional leaders as to what could and should be done in the crisis. Five days after the news of the disaster to the Overland Mail Co. reached Washington, the Senate Finance Committee reported the post office appropriation bill. This provided for the bodily removal of the Overland Mail Co. from the southern to the central route, letter mail on a 20-day schedule 8 months of the year and 23 days for the remaining time, and the continuation of the Pony Express semiweekly until the transcontinental telegraph line was completed. The pay was \$1 million per year.

The swift, smooth progress of the bill through both branches of Congress, together with what happened immediately afterward, indicates previously considered plans, harmony, and understanding between all parties concerned.

The bill was approved by President Buchanan on March 2, 1861, and became the law of the land immediately. On March 12, E. S. Childs, Acting Second Assistant Postmaster General, officially notified Dinsmore that the Postmaster General had ordered service discontinued on the southern route by the Overland Mail Co. and that a like service was to be performed on the central route. This service was to begin July 1, 1861. Four days later, March 16, Russell and Dinsmore signed a contract in New York, under which the central route was divided into two sections with each assuming operation of one of them.

Everybody concerned with this great contract was satisfied with its provisions. Russell wrote William B. Waddell that it was "all the company could ask, and as much as I ever encouraged them to hope for, and withal an A No. 1 contract, one that will pay big money if well managed, I am content. We should get the thing up right, work it with energy, and with its results entirely relieve R. M. & W."

Russell's feeling of satisfaction with the contract was fully justified. In the first place, he and his partners, Majors and Waddell, would receive \$220,000 a year more for operating over approximately half the route from the Missouri River to Salt Lake City than they were then receiving for covering the whole line to Placerville, Calif. It is true that the cost would be greater, but with improved facilities an increase in passenger and express receipts was expected. Considering the precarious condition of the company, the new contract was a windfall indeed.

Dinsmore was also highly pleased with the contract. Hiram S. Rumfield, agent for the Overland Mail Co. at St. Louis and later at Salt Lake City, said that after the service on the southern route was stopped the proposition of abandoning the business altogether was freely discussed by the officers of the company. He also said that the contract with Russell was "regarded as advantageous to the Overland Mail Co."

Technically, and according to the provisions of the bill passed by Congress, the Overland Mail Co. was the sole mail contractor on the central route. Not only that, orders for service upon that route were delivered only to that company. Under a strict interpretation of the bill the Central Overland California & Pike's Peak Express Co. would be put entirely out of the business of carrying the mail and operating the pony express over the central route.

It was not so intended and did not turn out that way. Under his contract with Russell, Dinsmore surrendered the eastern di-

vision, the best and easiest managed half of the line from the Missouri River to Salt Lake City. For his own company he retained the more difficult, hazardous western division. This was the obvious thing to do since Russell's company, being familiar with the eastern division and already established upon it, could carry on as usual during the critical period of change and readjustment. In addition the western end of the old Overland Mail line on the southern route, not having been raided as was its eastern sections, still retained intact its stock, equipment, and personnel. Therefore the simplest, easiest, and cheapest way to put the new line on the central route into operation was to move it all north from southern California to Placerville.

Convenience and economy probably account for making Placerville the western terminus of the Overland Mail Co. line instead of Sacramento. The situation regarding that short 50-mile stretch was practically identical with that on the eastern division. The Pioneer Stage Line was already successfully operating a line of daily stagecoaches between Virginia City and Sacramento. Arrangements were therefore made with that company whereby it assumed responsibility for the mail, express packages, and passengers from Placerville onward.

Under the provisions of the bill passed by Congress, the Pony Express line also ended at Placerville. The arrangement with the Pioneer Stage Line and the fact that the telegraph line now extended eastward to Fort Churchill made it unnecessary, so far as the Overland Mail Co. was concerned, for the express to go farther.

In view of the oft-repeated statement that the pony express never had official Government recognition or sanction, it is significant that the bill not only expressly stipulated that the express should be operated, but also fixed the fee to be charged. After July 1, 1861, and as long as it operated, it was a Government authorized service running on a schedule included in the law.

It has been claimed that Wells Fargo Express Co. made the reductions in pony express rates in 1861—from \$5 to \$2 an ounce in April and to \$1 on July 1. Wells Fargo had nothing whatever to do with these changes, although on April 15 William H. Russell appointed it temporary agent for the Central Overland California & Pike's Peak Express Co. in San Francisco. Since the contract with Dinsmore was already signed, this appointment would expire on July 1. With these simple and relatively unimportant facts as a basis, the exaggerated claim has been made that Wells Fargo Express Co. rendered a great public service by reducing pony express rates.

The plain truth is that Wells Fargo Express Co. was merely acting temporarily as agent for the Central Overland California & Pike's Peak Express Co. during the interim between the passage of the bill providing for the removal of the Overland Mail Co. to the central route and the first of July, a period of a few weeks. During that period Wells Fargo's duties and responsibilities were identical with those of other agents elsewhere—in St. Louis and Chicago, for instance, where activities consisted of handling express and passenger business, pony express letters, and carrying out instructions as agent from the company. Among those instructions was the reduction of pony express rates from \$5 to \$2 per ounce. Thus whatever praise is due anyone for this reduction must go not to the agent but to the Russell, Majors & Waddell Co., who alone had exclusive authority to make it.

The second reduction, on July 1, was made by act of Congress, with which the Overland Mail Co. and the Central Overland California & Pike's Peak Express Co. were obliged to conform. No more need be said on this par-

S. 2504

AN ACT

86TH CONGRESS
1ST SESSION

S. 2504

IN THE HOUSE OF REPRESENTATIVES

AUGUST 27, 1959

Referred to the Committee on Agriculture

AN ACT

To authorize the sale at market prices of agricultural commodities owned by the Commodity Credit Corporation to provide feed for livestock in areas determined to be emergency areas, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That, notwithstanding the provisions of section 407 of the
- 4 Agricultural Act of 1949, the Secretary of Agriculture is
- 5 authorized to sell, at market prices, any wheat, corn, oats,
- 6 barley, rye, or grain sorghums (hereafter referred to as
- 7 feed grains), owned by the Commodity Credit Corporation,
- 8 to provide feed for livestock in any area determined by him
- 9 to be an emergency area under section 2.

1 SEC. 2. The Secretary may designate any area as an
2 emergency area for the purposes of this Act if he determines
3 that, as a result of flood, drought, hurricane, tornado, or
4 other catastrophe, there is a shortage of feed for livestock
5 in such area.

6 SEC. 3. The Secretary shall not sell feed grains under
7 this Act to any person unless he is satisfied that such person
8 does not have, and is unable to obtain through normal chan-
9 nels of trade without undue financial hardship, sufficient
10 feed for livestock owned by him, and unless such person
11 agrees to use the feed grains only for feed for such livestock.

12 SEC. 4. Any person who fails to carry out an agree-
13 ment entered into under section 3 with respect to any feed
14 grains purchased under this Act, or who disposes of any
15 such feed grains other than by feeding to livestock owned
16 by him, shall be subject to a penalty equal to but not in ex-
17 cess of the market value of the feed grains involved, to be
18 recovered by the Secretary in a civil suit brought for that
19 purpose.

20 SEC. 5. Section 107 (a) (3) of the Soil Bank Act is
21 amended by inserting before the period at the end thereof a
22 comma and the following: "and except that the Secretary
23 may authorize the producer to harvest hay on such acreage
24 if, after certification by the Governor of the State in which
25 such acreage is situated of the need therefor, the Secretary

1 determines that it is necessary to permit such harvesting in
2 order to alleviate damage, hardship, or suffering caused by
3 severe drought, flood, or other natural disaster”.

Passed the Senate August 26, 1959.

Attest:

FELTON M. JOHNSTON,

Secretary.

AN ACT

To authorize the sale at market prices of agricultural commodities owned by the Commodity Credit Corporation to provide feed for livestock in areas determined to be emergency areas, and for other purposes.

AUGUST 27, 1959

Referred to the Committee on Agriculture

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

Issued Sept. 1, 1959
For actions of Aug. 28 & 29, 1959
86th-1st, Nos. 150
& 151

CONTENTS

Adjournment.....	2
Agricultural attaches....	13
Air pollution.....	28
Appropriations.....	3, 19, 29
Area redevelopment....	14, 35
Civil defense.....	7
Coconut oil.....	20
Coffee.....	38
Conservation reserve....	9
Disaster relief.....	39
Economic development....	18
Electrification.....	17, 37
Exhibits.....	1
Experiment stations.....	33
Farm program.....	30
Foreign trade.....	8
Forest roads.....	39
Forestry.....	24, 25, 28
Grains.....	30
Health insurance.....	28, 45
Housing.....	31
Indians.....	24
Insecticides.....	28
Lambs.....	4
Lands.....	25, 28, 34
Legislative program....	28
Meat inspection.....	41
Minerals.....	28
Personnel.....	45
Poultry.....	16
Prices.....	6, 18, 36, 43
Property.....	23, 26, 42
Public Law 480.....	8
Reclamation.....	5, 12, 40
Recreation.....	32
Research.....	15, 28, 44
Rice.....	28
Soil bank.....	9
Surplus commodities.....	8
Vehicles.....	22
Wool.....	4
Water resources.....	27
Watersheds.....	11
Wheat.....	10
Wildlife.....	21, 44

HIGHLIGHTS: See page 7

SENATE - August 29

1. EXHIBITS. Received and agreed to the conference report on H. R. 8374, to authorize appropriations for Federal participation in the Century 21 Exposition to be held in Seattle, Wash., in 1961 and 1962 (including USDA participation). pp. 15911-2.
2. ADJOURNED until Mon., Aug. 31. p. 15916.

SENATE - August 31

3. TEMPORARY APPROPRIATIONS. Both Houses passed without amendment H. J. Res. 510, the continuing resolution making temporary appropriations to departments and agencies for September pending the enactment of the remaining regular appropriation bills. This measure will now be sent to the President. pp. 15918, 15969.
4. WOOL; LAMBS. Sen. Mundt expressed concern "over the major crisis facing the sheep and wool industry as it votes in September on the market promotional section of the National Wool Act," which provides deductions on the sales of lamb and wool for the promotion, research, and educational program to encourage the use of wool and lamb, criticized the opposition of the American Farm Bureau Federation to the program, and urged all eligible voters in the referendum to support the program. p. 15925.

5. RECLAMATION. Both Houses agreed to the conference report on S. 994, to authorize Interior to construct, operate, and maintain the Spokane Valley reclamation project, Wash., and Idaho. This bill will now be sent to the President. pp. 15967, 15999.
6. PRICES. Sen. Bush inserted and commended the Aug. 17 report of the Cabinet Committee on Price Stability for Economic Growth, "What Do We Really Want From Our Economy?" discussing policies for promoting economic growth. pp. 15959-62.
7. CIVIL DEFENSE. Sen. Humphrey urged more Federal aid for civil defense, and inserted several articles discussing civil defense preparedness. pp. 15935-8.
8. SURPLUS COMMODITIES; FOREIGN TRADE. The amendments reported Aug. 25 by the Agriculture and Forestry Committee to S. 1743 (to extend Public Law 480), provide as follows: Extend Titles I (sales for foreign currencies) and II (famine relief) for 3 years, until December 31, 1962. Provide an increase of \$4.5 billion in Title I operations for the 3-year period. Provide an increase of \$300 million for Title II operations for 1960. Authorize the grant (in addition to the sale) of CCC surplus commodities under Title I. Expand the activities for which Title I foreign currencies may be used in foreign countries to include medical and scientific research, cultural and educational development, health, nutrition, and sanitation; assistance (up to \$2 million annually) to meet emergency or extraordinary relief requirements other than requirements for surplus food commodities; financing (up to \$5 million annually) the preparation, distribution, and exhibiting of audio-visual informational and educational materials, including Government materials; and financing the services of technicians, advisers, and administrators who are nationals of any friendly country, which may be needed to further economic and social development programs in other friendly countries, provided the use of such currencies is specified in appropriation acts. Authorize the President to make grants of surplus commodities for the establishment of national food reserves in underdeveloped countries. Authorize the carrying out of Public Law 480 functions directly by the President, or through an administrator designated by him who shall administer the functions under the general supervision and direction of the Secretary of Agriculture. Change the title of the Agricultural Trade Development and Assistance Act of 1954 to the Food for Peace Act of 1959.

HOUSE - August 31

9. SOIL BANK. Passed with amendment S. 2457, to authorize the Secretary to compensate producers under the Soil Bank for actions based on erroneous information furnished by authorized representatives of the Secretary (pp. 15992-3). Agreed to an amendment by Rep. Marshall to provide that no Soil Bank contract shall be modified, invalidated, or changed because of the marriage of any two contracting parties (pp. 15992-3). (This bill was considered in lieu of a similar bill, H. R. 3043.)

The Agriculture Committee reported with amendment H. R. 3573, to permit the harvesting of hay on conservation reserve acreage in areas suffering from drought, flood, or other natural disaster (H. Rept. 1033). p. 16022.

CUTTING OF HAY FROM SOIL BANK LAND

AUGUST 31, 1959.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. COOLEY, from the Committee on Agriculture, submitted the following

REPORT

[To accompany H.R. 8578]

The Committee on Agriculture, to whom was referred the bill (H.R. 8578) to amend the Soil Bank Act so as to authorize the Secretary of Agriculture to permit the harvesting of hay on conservation reserve acreage under certain conditions, having considered the same, report favorably thereon with amendment and recommend that the bill do pass.

The amendment is as follows:

Page 2, line 1, strike out "if" and insert "provided".

PURPOSE

The purpose of this bill is to authorize the Secretary of Agriculture to authorize the cutting and local sale of hay by the county committee in areas of severe drought, flood, or other natural disaster.

Under the provisions of the Soil Bank Act the producer must agree not to harvest any crop from acreage placed in the conservation reserve. This bill would extend the exemption, not to the producer, but to the county committee in the event of a drought or other emergency of such severe character that the need for emergency feed in the area is certified to by the Governor of the State and concurred in by the Secretary of Agriculture. The exemption could be exercised only under authority of the Secretary extended to the county committee.

Instead of permitting the producer to cut and sell the hay in such emergency situations, the bill would authorize the county committee to cut and sell the hay locally with the consent of the producer and without remuneration to the producer other than such amount as the county committee deems adequate to compensate him for damage, if any, to his premises.

NEED FOR THE LEGISLATION

The soil bank now provides for a similar exemption with respect to the grazing of pasture lands in the event of drought or similar emergency, but in the case of grazing the benefit derives solely to the operator of the farm. The committee can see no logical reason why this exemption should not be extended to lands which have been put into hay, particularly when the harvesting and sale of the hay will be done by the county committee, will not benefit the producer from whose lands the hay is cut, and the proceeds of which will go into the Treasury of the United States.

COST OF THE BILL

There would be no cost as a result of enactment of this bill. On the contrary, if the authority conferred on the Secretary is exercised by him, there would be some cash return to the Treasury from the sale of the hay harvested under the provisions of the bill.

DEPARTMENTAL POSITION

Although, because of the existence of emergency conditions, where it is hoped the authority of this bill may be used, the committee did not have time to request a formal report from the Department of Agriculture, it is the committee's understanding that the Department is opposed to this bill.

The logic of the Department's position is hard to understand since: (1) Hay could be harvested only in areas certified as emergency disaster areas by the Governor of the State and the Secretary of Agriculture; (2) exercise of the authority conferred in the bill would be completely discretionary with the Secretary; (3) any income from sale of hay would go to the Treasury, rather than to the operator of the land involved; and (4) the same kind of exemption now exists in the Soil Bank Act with respect to the emergency grazing of pasture lands, with the exception that the benefit from such grazing accrues to the operator of the farm.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SOIL BANK ACT

* * * * *

SUBTITLE B—CONSERVATION RESERVE PROGRAM

TERMS AND CONDITIONS

SEC. 107. (a) To effectuate the purposes of this title the Secretary is hereby authorized to enter into contracts for periods of not less than three years with producers determined by him to have control for the contract period of the farms covered by the contract wherein the producer shall agree:

(1) To establish and maintain for the contract period protective vegetative cover (including but not limited to grass and trees), water storage facilities, or other soil-, water-, wildlife-, or forest-conserving uses on a specifically designated acreage of land on the farm regularly used in the production of crops (including crops, such as tame hay, alfalfa, and clovers, which do not require annual tillage).

(2) To devote to conserving crops or uses, or allow to remain idle, throughout the contract period an acreage of the remaining land on the farm which is not less than the acreage normally devoted only to conserving crops or uses or normally allowed to remain idle on such remaining acreage.

(3) Not to harvest any crop from the acreage established in protective vegetative cover, excepting timber (in accordance with sound forestry management) and wildlife or other natural products of such acreage which do not increase supplies of feed for domestic animals, *and except that the Secretary may authorize the county agricultural stabilization committees to sell hay on such acreage, with the consent of the producer, to the highest bidder, and return the proceeds thereof to the United States Treasury, less such amounts as the committees deem adequate to compensate the producer for damage, if any, to his premises, if, after certification by the Governor of the State in which such acreage is situated of the need therefor, the Secretary determines that it is necessary to permit such sale in order to alleviate damage, hardship, or suffering caused by severe drought, flood, or other natural disaster.*

(4) Not to graze any acreage established in protective vegetative cover prior to January 1, 1959, or such later date as may be provided in the contract, except pursuant to the provisions of section 103(a)(3) hereof; and if such acreage is grazed at the end of such period, to graze such acreage during the remainder of the period covered by the contract in accordance with sound pasture management.

(5) Not to adopt any practice, or divert lands on the farm from conservation, woods, grazing, or other use, to any use specified by the Secretary in the contract as a practice or use which would tend to defeat the purposes of the contract.

(6)(A) In the event that the Secretary determines that there has been a violation of the contract (including the prohibition of grazing on conservation acreages) at any stage during the time such producer has control of the farm and that such violation is of such a substantial nature as to warrant termination of the contract, to forfeit all rights to payments or grants under the contract, and to refund to the United States all payments and grants received by him thereunder.

86TH CONGRESS
1ST SESSION

H. R. 8578

[Report No. 1083]

IN THE HOUSE OF REPRESENTATIVES

AUGUST 10, 1959

Mr. BURDICK introduced the following bill; which was referred to the Committee on Agriculture

AUGUST 31, 1959

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

A BILL

To amend the Soil Bank Act so as to authorize the Secretary of Agriculture to permit the harvesting of hay on conservation reserve acreage under certain conditions.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 107 (a) (3) of the Soil Bank Act is amended
4 by inserting before the period at the end thereof a comma
5 and the following: "and except that the Secretary may
6 authorize the county agricultural stabilization committees
7 to sell hay on such acreage, with the consent of the producer,
8 to the highest bidder, and return the proceeds thereof to the
9 United States Treasury, less such amounts as the committees
10 deem adequate to compensate the producer for damage, if

1 any, to his premises, if *provided*, after certification by the
 2 Governor of the State in which such acreage is situated of
 3 the need therefor, the Secretary determines that it is neces-
 4 sary to permit such sale in order to alleviate damage, hard-
 5 ship, or suffering caused by severe drought, flood, or other
 6 natural disaster''.

Union Calendar No. 472

86TH CONGRESS
1ST SESSION

H. R. 8578

[Report No. 1083]

A BILL

To amend the Soil Bank Act so as to authorize the Secretary of Agriculture to permit the harvesting of hay on conservation reserve acreage under certain conditions.

By Mr. BURDICK

August 10, 1959

Referred to the Committee on Agriculture

August 31, 1959

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

CONTENTS

Issued Sept. 7, 1959
For actions of Sept. 4 and 5, 1959
86th-1st - Nos. 155 and 156

Adjournment.....	18,24
Agricultural attached....	15
Appropriations.....	4,7,8
.....	10,13,23,31,32
ASC committees.....	30
Buildings.....	15
Centennial celebration...	39
Civil defense.....	4
Commissions.....	29
Congressional-Executive...	
..Relations.....	16
Dairy industry.....	11
Depressed areas.....	38
Disaster relief.....	9
Egg prices.....	34
Farm labor.....	40
Farm program.....	16,35
Feed.....	9
Fiscal policy.....	17
Food reserves.....	1
Food stamps.....	1

Foreign aid.....	36
Foreign currencies.....	13
Foreign trade.....	1,21,33
Forest highways.....	19
Forest Service.....	7
Housing.....	3,20
Interest rates.....	12,22,37
Livestock.....	11
Minerals.....	5
Monopolies.....	11
Personnel.....	6,14,25
Property.....	27
Public debt.....	17
Public Law 480	1,21
Public works.....	8,10
Recreation.....	26
Research.....	20
River basins.....	29
Roads.....	19
Soil Bank.....	2
Surplus commodities	1,21,36
Wheat acreage.....	1,1,28

HIGHLIGHTS: Senate debated Public Law 480 bill. House committee reported bill to authorize sale of CCC feed in emergency areas. Senate agreed to conference report on independent offices appropriation bill. Senate concurred in House amendment to bill to provide compensation under Soil Bank to producers for actions based on incorrect information. Senate sustained President's veto of housing bill. Rep. Johnson, Colo., warned of monopoly in dairy industry. House committee reported new public works appropriation bill. Rep. Evins criticized Administration's farm policies.

SENATE - SEPT. 4

1. FOREIGN TRADE; SURPLUS COMMODITIES. Began debate on S. 1748, to extend Public Law 480 (pp. 16565-6, 16571-6, 16595-621). By a vote of 47 to 38 agreed to a committee amendment to extend titles I and II for 3 years (pp. 16596-600). Agreed to a committee amendment to increase the total authorization under title I to \$4.5 billion for the 3-year period, with not to exceed \$1.5 authorized to be used annually (p. 16600).

Rejected the following amendments:

A committee amendment, 39 to 48, to change the title of the "Agricultural Trade Development and Assistance Act of 1954" to the "Food and Fiber for Peace Act of 1959." pp. 16601-7

A committee amendment, 42 to 46, to authorize the President to grant surplus commodities to foreign countries to establish national food-reserves. pp. 16608-13

By Sen. Humphrey, 41 to 46, to authorize the enrichment and sanitary packaging of cornmeal, grits, white rice, and white flour distributed by this Department to schools and needy persons, and to authorize demonstration food

stamp programs. pp. 16614-21

2. SOIL BANK. Concurred in the House amendment to S. 2457, to authorize the Secretary to compensate producers under the Soil Bank for actions based on erroneous information furnished by authorized representatives of the Secretary. The House amendment provides that no Soil Bank contract shall be modified, invalidated, or changed because of the marriage of any two contracting parties. This bill will now be sent to the President. p. 16607
3. HOUSING. By a vote of 58 to 36, sustained the President's veto of the housing bill for 1959, S. 2539 (a two-thirds majority vote being required to override the President's veto). pp. 16576-86
4. INDEPENDENT OFFICES APPROPRIATION BILL, 1960. Agreed to the conference report and receded from its amendment (No. 1) to this bill, H. R. 7040, which would have increased to \$25 million, instead of \$10 million (as proposed by the House) the amount for Federal contributions to the States for civil defense purposes on a matching basis. This bill will now be sent to the President. pp. 16586-91
5. MINERALS. Conferees were appointed on S. 2181, to amend the Mineral Leasing Act of 1920 so as to modify oil, gas, coal, and certain other mineral leasing requirements and conditions. House conferees have not been appointed. p. 16598
6. PERSONNEL. Sen. Johnston submitted a motion, intended to be proposed by him, "that the Senate agree to the amendment of the House, with amendments, to Senate bill 2162, the Federal Employees Health Benefits Act of 1959." p. 16556
7. APPROPRIATIONS. Both Houses received from the Budget Bureau a report that a Forest Service item for forest protection and utilization had been apportioned on a basis indicating the need for a supplemental authorization for 1960. pp. 16555, 16689
8. PUBLIC WORKS. Sens. Murray and Mansfield criticized the President's veto of the public works appropriation bill for 1960. pp. 16567-8, 16569-70

HOUSE - SEPT. 4

9. FEED; DISASTER RELIEF. The Agriculture Committee reported with amendment S. 2504, to authorize the Secretary to sell at market prices CCC feed for livestock in emergency areas (H. Rept. 1149). p. 16689
10. PUBLIC WORKS. The Appropriations Committee reported without amendment H. R. 9105, the new public works appropriation bill for 1960 (H. Rept. 1152). p. 16689
Rep. Thomson, Wyo., termed the President's veto of the original public works appropriation bill "unfortunate" and "ill considered," and he and others discussed the issues and projects involved in the bill. pp. 16676-83
11. MONOPOLIES; DAIRY INDUSTRY. Rep. Johnson, Colo., warned of vertical integration in the dairy industry. He stated that such a situation already exists in the livestock industry in his district and that under vertical integration a national chain will determine what price it will pay the milk producer and if the producer asks a higher price, the chain will expand its operations to milk producing as well as distribution. Once the competition is eliminated, the chain is able to set prices at will, he stated. pp. 16683-6
12. INTEREST RATES. Passed, 378 to 7, without amendment H. R. 9035, to permit the issuance of series E and H United States savings bonds at interest rates above the existing maximum, to permit the Secretary of the Treasury to designate certain exchanges of Government securities to be made without recognition of gain or

EMERGENCY LIVESTOCK FEED

SEPTEMBER 4, 1959.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GRANT, from the Committee on Agriculture, submitted the following

REPORT

[To accompany S. 2504]

The Committee on Agriculture, to whom was referred the bill (S. 2504) to authorize the sale at market prices of agricultural commodities owned by the Commodity Credit Corporation to provide feed for livestock in areas determined to be emergency areas, and for other purposes, having considered the same, report favorably thereon with amendment and recommend that the bill do pass.

The amendment is as follows:

Page 1, line 5, strike out "market" and insert "current support".

Page 2, line 1, following the word "may", insert ", after certification by the Governor of the State in which such area is situated of the need therefor,".

Page 2, lines 3 and 4, strike out "or other catastrophe" and insert "earthquake, or other catastrophe including disease or insect infestation".

Page 2, line 19, strike out the period and insert a comma and the following: "and in addition shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than \$1,000 or imprisonment for not more than one year."

Page 2, beginning on line 20, strike out all of section 5.

Amend the title to read:

A bill to authorize the sale at current support prices of agricultural commodities owned by the Commodity Credit Corporation to provide feed for livestock in areas determined to be emergency areas, and for other purposes.

STATEMENT

The purpose of this bill is to authorize the sale at current support prices of feed grains owned by the Commodity Credit Corporation to meet shortages for livestock feeding purposes in emergency areas. The need for the bill is explained in detail in the report of the Senate Committee on Agriculture and Forestry which is set out below.

COMMITTEE AMENDMENTS

Section 1.—The amendment to section 1 will authorize the Secretary to sell feed grains at the current support price applicable to the locality, instead of at the market price, as provided in the Senate bill. One of the hardships the bill seeks to alleviate is that caused by temporary grain shortages which artificially inflate local grain prices. The committee believes that establishing the selling price at the support level is more equitable than basing the selling price on the local market level and that it will assist all livestock owners in the area by helping to stabilize grain prices.

Section 2.—The committee has made two amendments to this section: (1) Provides specifically that earthquake and catastrophic infestations of insects or disease are to be included in those catastrophic emergencies which will justify the Secretary exercising the authority conferred by this bill and (2) requiring that there must be a certification by the Governor of the State of the emergency condition and the need for action by the Secretary before he can take action under the bill.

Section 4.—The committee has included a penal provision, making misuse of grain acquired under the provisions of the bill a misdemeanor, as well as subjecting the individual to civil action.

Section 5.—The committee has eliminated this section. It was pointed out to the committee that this section is controversial and that it is probably too late in the year for it to be of any use to the areas which have been hit by drouth during the current growing season.

[S. Rept. No. 724, 86th Cong., 1st sess.]

The Committee on Agriculture and Forestry, to whom was referred the bill (S. 2504) to authorize the sale at market prices of agricultural commodities owned by the Commodity Credit Corporation to provide feed for livestock in areas determined to be emergency areas, and for other purposes, having considered the same, report thereon with a recommendation that it do pass without amendment.

IN GENERAL

This bill authorizes the sale at market prices of feed grains owned by Commodity Credit Corporation to meet shortages in emergency areas. The bill thus exempts such sales from the minimum resale price provision of section 407 of the Agricultural Act of 1949. The bill also authorizes the Secretary of Agriculture to permit the harvesting of hay from conservation reserve lands under certain conditions to alleviate hardship caused by natural disaster.

SECTION-BY-SECTION EXPLANATION

Section 1 authorizes the Secretary of Agriculture to sell wheat, corn, oats, barley, rye, or grain sorghums owned by Commodity Credit Corporation at market prices to provide livestock feed in any area determined to be an emergency area under section 2. This provision constitutes a limited exemption from section 407 of the Agricultural Act of 1949, which prohibits the Commodity Credit Corporation from selling any of such commodities for "less than 5 per centum above the current support price for the commodity, plus reasonable carrying charges." Sales for seed or feed are excepted by section 407(C) from this limitation if they will not substantially impair any price-support program, but in the past the Secretary has been reluctant to find that they will not.

Section 2 authorizes the Secretary of Agriculture to designate the areas in which the sales authorized by section 1 may be made. He may make such designation if he determines that, as a result of flood, drought, hurricane, tornado, or other catastrophe, there is a shortage of feed for livestock in the area. Such a designation by the Secretary would not be required to meet the more rigid conditions of Public Law 875, 81st Congress, section 2(d) of Public Law 38, 81st Congress, or section 407 of the Agricultural Act of 1949, which require certification by the Governor and a determination by the President that a "major disaster" has occurred.

Section 3 restricts sales under section 1 to persons unable to obtain sufficient feed for their livestock without undue financial hardship and who agree to use the grain purchased by them only to feed such livestock. The Secretary would, of course, be expected to work out a program under which the normal channels of trade might be used in making such sales.

Section 4 imposes a penalty to be collected by civil suit upon any person who breaches his agreement to use feed purchased under section 1 only for his own livestock. The penalty would equal the market value of the feed with respect to which the breach occurs.

Section 5 authorizes the Secretary to permit the harvesting of hay from conservation reserve lands if the Governor certifies the need therefor and the Secretary determines that such harvesting is necessary to alleviate damage, hardship, or suffering caused by a natural disaster. This authority is similar to that which the Secretary now has to permit the grazing of conservation reserve lands, and is based upon the same considerations. The committee felt that it made no sense to provide Government assistance in the importation of hay into a drought area, as has been done in the past, and at the same time to prevent hay growing in the area from being harvested. The Department has indicated that necessary safeguards to prevent abuse of permission to harvest hay might be more difficult to enforce than those applicable to grazing permission. The committee felt, however, that such enforcement problems were not more serious than many imposed on the Department in connection with other programs and should not prevent enactment of this desirable measure. Section 485.163(b)(4) of the conservation reserve program regulations provides that no annual payment will be made if the land is grazed pursuant to permission from the Secretary. It is expected that similar provision would be made if hay harvesting were permitted.

EXISTING FEED GRAIN ASSISTANCE AUTHORITY

Section 407 of the Agricultural Act of 1949 now authorizes the Commodity Credit Corporation to make available any farm commodity owned by it for use in relieving distress "in connection with any major disaster determined by the President to warrant assistance by the Federal Government under Public Law 875, Eighty-first Congress." Section 2(d) of Public Law 38, 81st Congress, authorizes the Secretary "in connection with any major disaster determined by the President to warrant assistance by the Federal Government under Public Law 875, Eighty-first Congress * * * to furnish * * * feed for livestock * * *." A Department press release describes its existing program as follows:

4. *Feed grains.*—If the President has declared the State a "major disaster area, the Secretary of Agriculture may designate specified areas eligible for livestock feed grain programs. In extreme cases, under the disaster relief feed grain program surplus grains are made available on a temporary donation basis to State agencies for feeding distressed livestock. Under the emergency feed program, eligible farmers may receive assistance of \$1 per hundredweight in the purchase of surplus grains for maintaining foundation herds of cattle, sheep, and goats. This second program operates through authorized feed dealers.

Because of the legislative and administrative history of these provisions, as well as some differences in the provisions themselves, the Department is reluctant to extend assistance under them in the case of a first-year drought, or to provide relief under them for hogs or other than foundation herds. As pointed out in the discussion herein of section 2, the criteria for designation of an area for feed assistance under the bill are less stringent than those provided for by existing law. On the other hand, where existing law authorizes donations, the bill goes only so far as to permit the sale at market prices.

IMMEDIATE NEED FOR BILL

In introducing the bill Senator Mundt described the situation in his own State which made its introduction necessary as follows:

This bill has been drafted to provide the Secretary of Agriculture with the necessary statutory authority to meet a critical feed situation which currently exists in many counties throughout my home State of South Dakota. South Dakota has been hit by severe drought conditions, and it appears certain that the production of corn and other feed grains is going to be far below the normal annual volume. Feed grain producers, anticipating this low harvest, are holding in storage corn and other feed grains, which would normally be moving into the market. This retention of feed from the market is occurring for at least two reasons. First, many South Dakota feed grain producers are also engaged in livestock production. Normally these farmers feed a portion of their crop, and move the remainder into the grain markets. However, this year the portion of last year's crop

that would normally be marketed is being held, for it will be required to meet their own feeding needs. Second, other commercial feed grain producers are, undoubtedly, holding a portion of last year's crop in storage, awaiting a more favorable market price.

The unfortunate result of this retention of feed by producers is that there is simply no feed available for purchase in many drought-stricken areas at the normal markets. Thus, livestock feeders and producers who are not diversified and who do not raise their own feed are not able to purchase their feed requirements.

I have received numerous letters from livestock men and farmers who request that the surpluses owned by the Commodity Credit Corporation be made available for purchase at the existing market prices. I am advised that Commodity Credit Corporation has approximately 44 million bushels of corn in storage in South Dakota.

* * * * *

It is patently obvious that livestock producers and feeders cannot afford to pay the premium prices for feed, which are required under the existing statutes. It is equally obvious that the current feed shortage cannot persist much longer without causing irreparable damage to the livestock industry in South Dakota. The feed shortage is so severe in some areas of the State that producers are sincerely fearful of depredation of foundation herds. Should this tragedy occur, it would be a matter of years before the South Dakota livestock industry would be fully recovered.

DEPARTMENTAL VIEWS

DEPARTEMENT OF AGRICULTURE,
Washington, D.C.

HON. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry,
U.S. Senate.

DEAR SENATOR ELLENDER: This is in reply to your request of August 8, 1959, for a report on S. 2504, a bill to authorize the sale at market prices of agricultural commodities owned by the Commodity Credit Corporation to provide feed for livestock in areas determined to be emergency areas, and for other purposes.

This Department does not recommend the enactment of S. 2504.

Section 1 of the bill provides notwithstanding the provisions of section 407 of the Agricultural Act of 1949, the Secretary of Agriculture is authorized to sell, at market prices, any wheat, corn, oats, barley, rye, or grain sorghums owned by the Commodity Credit Corporation, to provide feed for livestock in any area determined by him to be an emergency area.

Section 2 provides that the Secretary may designate any area as an emergency area for the purposes of this act if he determines that, as a result of flood, drought, hurricane, tornado, or other catastrophe, there is a shortage of feed for livestock in such area.

Section 3 provides that the Secretary shall not sell feed grains under

this act to any person unless he is satisfied that such person does not have, and is unable to obtain through normal channels of trade without undue financial hardship, sufficient feed for livestock owned by him, and unless such person agrees to use the feed grains only for feed for such livestock.

Section 4 provides a penalty provision in case of misuse of feed provided under the bill.

Section 5 amends section 107(a)(3) of the Soil Bank Act authorizing the Secretary to permit producers, under emergency conditions, to harvest hay on conservation reserve acres.

Our major objection to S. 2504 stems from section 2 which would place responsibility in the Secretary for designating any area as an emergency area as a result of catastrophe if he determines there is a shortage of feed therein. No standards are provided for evaluating the extent of the catastrophe. There appears to be no need for such additional authority. Present provisions of section 407 enable the Secretary to make available such supplies of commodities, including feed grains, owned or controlled by Commodity Credit Corporation as are deemed necessary in connection with major disasters determined by the President to warrant assistance by the Federal Government under Public Law 875, 81st Congress, as amended. In this situation, therefore, additional authority in this field not only is unnecessary but would unduly complicate operations and determinations required to be made in view of present legislation.

The first section of the bill authorizing sales at market prices of CCC-owned feed grains including wheat, for livestock feed, in areas determined by the Secretary as emergency areas, would give rise to additional problems. For example, such sales could have price-depressing effects on the normal marketing of livestock feeds through established commercial trade channels. Aside from interference with normal commercial transactions, such sales could seriously impair effective price-support operations in the designated areas. Net result, then, may require the takeover of larger quantities of these commodities under the price support program and lead to increased losses.

Section 5 would amend section 107(a)(3) of the Soil Bank Act by authorizing the Secretary to allow the producer to harvest hay on conservation reserve acres which are under contract under certain emergency conditions. No provision is made for this in the present law which permits the farmer in a specified disaster area who has livestock to graze the designated acreage during the emergency period. Permission to harvest hay from the land would open the door to abuses of the program and defeat of the purposes by permitting the harvest of hay from the acreage and sale of that hay at a later date, long after the emergency is past. To prohibit sale would require the employment of additional persons to check and an additional procedure for checking and spot-checking. Farmers participating in the program in other areas would be unable to understand why hay could be cut for storage and sale in one area and not from theirs. When under present law the growth on the land is permitted to be pastured in a disaster area, it alleviates the problems of the man who owns cattle and does not create additional problems and pressures.

In view of the telephone request for immediate submission of this report in order that the committee may consider it immediately, we

have not obtained advice from the Bureau of the Budget regarding the relationship of this proposed legislation to the program of the President.

Sincerely yours,

E. L. PETERSON,
Acting Secretary.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SOIL BANK ACT

SUBTITLE B—CONSERVATION RESERVE PROGRAM

TERMS AND CONDITIONS

SEC. 107. (a) To effectuate the purposes of this title the Secretary is hereby authorized to enter into contracts for periods of not less than three years with producers determined by him to have control for the contract period of the farms covered by the contract wherein the producer shall agree:

(1) To establish and maintain for the contract period protective vegetative cover (including but not limited to grass and trees), water storage facilities, or other soil-, water-, wildlife-, or forest-covering uses on a specifically designated acreage of land on the farm regularly used in the production of crops (including crops, such as tame hay, alfalfa, and clovers, which do not require annual tillage).

(2) To devote to conserving crops or uses, or allow to remain idle, throughout the contract period an acreage of the remaining land on the farm which is not less than the acreage normally devoted only to conserving crops or uses or normally allowed to remain idle on such remaining acreage.

(3) Not to harvest any crop from the acreage established in protective vegetative cover, excepting timber (in accordance with sound forestry management) and wildlife or other natural products of such acreage which do not increase supplies of feed for domestic animals, *and except that the Secretary may authorize the producer to harvest hay on such acreage if, after certification by the Governor of the State in which such acreage is situated of the need therefor, the Secretary determines that it is necessary to permit such harvesting in order to alleviate damage, hardship, or suffering caused by severe drought, flood, or other natural disaster.*

(4) Not to graze any acreage established in protective vegetative cover prior to January 1, 1959, or such later date as may be provided in the contract, except pursuant to the provisions of section 103(a)(3) hereof; and if such acreage is grazed at the end of such period, to graze such acreage during the remainder of the period covered by the contract in accordance with sound pasture management.

* * * * *

RELATED LEGISLATION NOT CHANGED BY BILL

SOIL BANK ACT

SEC. 103. (a) * * * and (3) shall not harvest any crop from, or graze, the reserve acreage unless the Secretary, after certification by the Governor of the State in which such acreage is situated of the need for grazing on such acreage, determines that it is necessary to permit grazing thereon in order to alleviate damage, hardship, or suffering caused by severe drought, flood, or other natural disaster, and consents to such grazing. * * *

AGRICULTURAL ACT OF 1949

SEC. 407. The Commodity Credit Corporation may sell any farm commodity owned or controlled by it at any price not prohibited by this section. In determining sales policies for basic agricultural commodities or storable nonbasic commodities, the Corporation should give consideration to the establishing of such policies with respect to prices, terms, and conditions as it determines will not discourage or deter manufacturers, processors, and dealers from acquiring and carrying normal inventories of the commodity of the current crop. The Corporation shall not sell any basic agricultural commodity or storable nonbasic commodity at less than 5 per centum above the current support price for such commodity, plus reasonable carrying charges: *Provided*, That effective with the beginning of the marketing year for the 1961 crop, the Corporation shall not sell any upland or extra long staple cotton for unrestricted use at less than 15 per centum above the current support price for cotton plus reasonable carrying charges, except that the Corporation may, in an orderly manner and so as not to affect market prices unduly, sell for unrestricted use at the market price at the time of sale a number of bales of cotton equal to the number of bales by which the national marketing quota for such marketing year is reduced below the estimated domestic consumption and exports for such marketing year pursuant to the provisions of section 342 of the Agricultural Adjustment Act of 1938, as amended. The foregoing restrictions shall not apply to (A) sales for new or byproduct uses; (B) sales of peanuts and oilseeds for the extraction of oil; (C) sales for seed or feed if such sales will not substantially impair any price-support program; (D) sales of commodities which have substantially deteriorated in quality or as to which there is a danger of loss or waste through deterioration or spoilage; (E) sales for the purpose of establishing claims arising out of contract or against persons who have committed fraud, misrepresentation, or other wrongful acts with respect to the commodity; (F) sales for export; (G) sales of wool; and (H) sales for other than primary uses. Notwithstanding the foregoing, the Corporation, on such terms and conditions as the Secretary may deem in the public interest, shall make available any farm commodity or product thereof owned or controlled by it for use in relieving distress (1) in any area in the United States declared by the President to be an acute distress area because of unemployment or other economic cause if the President finds that such use will not displace or interfere with normal marketing of agricultural commodities and (2) in connection with any major disaster determined

by the President to warrant assistance by the Federal Government under Public Law 875, Eighty-first Congress, as amended (42 U.S.C. 1855). Except on a reimbursable basis, the Corporation shall not bear any costs in connection with making such commodity available beyond the cost of the commodities to the Corporation in store and the handling and transportation costs in making delivery of the commodity to designated agencies at one or more central locations in each State. Nor shall the foregoing restrictions apply to sales of commodities the disposition of which is desirable in the interest of the effective and efficient conduct of the Corporation's operations because of the small quantities involved, or because of age, location or questionable continued storability, but such sales shall be offset by such purchases of commodities as the Corporation determines are necessary to prevent such sales from substantially impairing any price-support program, but in no event shall the purchase price exceed the then current support price for such commodities. For the purposes of this section, sales for export shall not only include sales made on condition that the identical commodities sold be exported, but shall also include sales made on condition that commodities of the same kind and of comparable value or quantity be exported, either in raw or processed form.

PUBLIC LAW 38, 81ST CONGRESS

SEC. 2. * * *

(d) The Secretary is authorized in connection with any major disaster determined by the President to warrant assistance by the Federal Government under Public Law 875, Eighty-first Congress (42 U.S.C. 1855), as amended, to furnish to established farmers, ranchers, or stockmen feed for livestock or seeds for planting for such period or periods of time and under such terms and conditions as the Secretary may determine to be required by the nature and effect of the disaster. The Secretary may utilize the personnel, facilities, property, and funds of any agency of the U.S. Department of Agriculture, including Commodity Credit Corporation, for carrying out these functions and shall reimburse the agencies so utilized for the value of any commodities furnished which are not paid for by the farmers or ranchmen, and for costs and administrative expenses necessary in performing such functions.

PUBLIC LAW 875, 81ST CONGRESS

SEC. 2. As used in this Act, the following terms shall be construed as follows unless a contrary intent appears from the context:

(a) "Major disaster" means any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe in any part of the United States which, in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States and local governments in alleviating the damage, hardship, or suffering caused thereby, and respecting which the Governor of any State (or the Board of Commissioners of the District of Columbia) in which such catastrophe may occur or threaten certifies the need for disaster assistance under this Act, and

shall give assurance of expenditure of a reasonable amount of the funds of the government of such State, local governments therein, or other agencies, for the same or similar purposes with respect to such catastrophe;

(b) "United States" includes the District of Columbia, Alaska, Hawaii, Puerto Rico, and the Virgin Islands;

(c) "State" means any State in the United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands;

(d) "Governor" means the chief executive of any State;

(e) "Local government" means any county, city, village, town, district, or other political subdivision of any State, or the District of Columbia;

(f) "Federal agency" means any department, independent establishment, Government corporation, or other agency of the executive branch of the Federal Government, excepting, however, the American National Red Cross. (42 U.S.C. 1855a.)

SEC. 3. In any major disaster, Federal agencies are hereby authorized when directed by the President to provide assistance (a) by utilizing or lending with or without compensation therefor, to States and local governments their equipment, supplies, facilities, personnel, and other resources, other than the extension of credit under the authority of any Act; * * * (c) by donating or lending equipment and supplies, determined under then existing law to be surplus to the needs and responsibilities of the Federal Government, to States for use or distribution by them for the purposes of the Act including the restoration of public facilities damaged or destroyed in such major disaster and essential rehabilitation of individuals in need as the result of such major disaster; * * * The authority conferred by this Act, and any funds provided hereunder shall be supplementary to, and not in substitution for, nor in limitation of, any other authority conferred or funds provided under any other law. Any funds received by Federal agencies as reimbursement for services or supplies furnished under the authority of this section shall be deposited to the credit of the appropriation or appropriations currently available for such services or supplies. The Federal Government shall not be liable for any claim based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Government in carrying out the provisions of this section.

○

86TH CONGRESS
1ST SESSION

S. 2504

[Report No. 1149]

IN THE HOUSE OF REPRESENTATIVES

AUGUST 27, 1959

Referred to the Committee on Agriculture

SEPTEMBER 4, 1959

Reported with amendments, committed to the Committee of the Whole House
on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

AN ACT

To authorize the sale at market prices of agricultural commodities owned by the Commodity Credit Corporation to provide feed for livestock in areas determined to be emergency areas, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, notwithstanding the provisions of section 407 of the
4 Agricultural Act of 1949, the Secretary of Agriculture is
5 authorized to sell, at ~~market~~ *current support* prices, any
6 wheat, corn, oats, barley, rye, or grain sorghums (hereafter
7 referred to as feed grains), owned by the Commodity Credit
8 Corporation, to provide feed for livestock in any area de-
9 termined by him to be an emergency area under section 2.

1 SEC. 2. The Secretary may, *after certification by the*
2 *Governor of the State in which such area is situated of the*
3 *need therefor*, designate any area as an emergency area for
4 the purposes of this Act if he determines that, as a result
5 of flood, drought, hurricane, tornado, ~~or other catastrophe~~
6 *earthquake, or other catastrophe including disease or insect*
7 *infestation* there is a shortage of feed for livestock in such
8 area.

9 SEC. 3. The Secretary shall not sell feed grains under
10 this Act to any person unless he is satisfied that such person
11 does not have, and is unable to obtain through normal chan-
12 nels of trade without undue financial hardship, sufficient feed
13 for livestock owned by him, and unless such person agrees
14 to use the feed grains only for feed for such livestock.

15 SEC. 4. Any person who fails to carry out an agree-
16 ment entered into under section 3 with respect to any feed
17 grains purchased under this Act, or who disposes of any
18 such feed grains other than by feeding to livestock owned
19 by him, shall be subject to a penalty equal to but not in
20 excess of the market value of the feed grains involved, to
21 be recovered by the Secretary in a civil suit brought for
22 that purpose, *and in addition shall be guilty of a misde-*
23 *meanor and upon conviction thereof shall be subject to a*
24 *fine of not more than \$1,000 or imprisonment for not more*
25 *than one year.*

1 SEC. 5. Section 107(a)(3) of the Soil Bank Act is
2 amended by inserting before the period at the end thereof a
3 comma and the following: “and except that the Secretary
4 may authorize the producer to harvest hay on such acreage
5 if, after certification by the Governor of the State in which
6 such acreage is situated of the need therefor, the Secretary
7 determines that it is necessary to permit such harvesting in
8 order to alleviate damage, hardship, or suffering caused by
9 severe drought, flood, or other natural disaster”.

Amend the title so as to read: “An Act to authorize the sale at current support prices of agricultural commodities owned by the Commodity Credit Corporation to provide feed for livestock in areas determined to be emergency areas, and for other purposes.”

Passed the Senate August 26, 1959.

Attest:

FELTON M. JOHNSTON,

Secretary.

AN ACT

To authorize the sale at market prices of agricultural commodities owned by the Commodity Credit Corporation to provide feed for livestock in areas determined to be emergency areas, and for other purposes.

AUGUST 27, 1959

Referred to the Committee on Agriculture

SEPTEMBER 4, 1959

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

CONTENTS

Issued
For actions of

September 8, 1959
September 7, 1959
86th-1st, No. 157

Acreage allotments.....	5
Agricultural attaches....	4
Appropriations.....	15, 28, 35
Awards.....	31
Civil defense.....	35
Coconut oil.....	9
Conservation.....	33
Conservation reserve..	1, 20
Contracts.....	24
Cooperatives.....	29
Corn.....	32
Cotton.....	20
Cottonseed.....	20
Education.....	23
Executive privilege.....	7
Expenditures.....	21
Farm program.....	6, 27
Fats and oils.....	20
Food distribution.....	20
Food for peace.....	26
Food stamps.....	20, 25
Foreign currencies.....	20
Foreign trade.....	17, 20
Forestry.....	35

Grain food enrichment...	20
Grants-in-aid.....	18
Hay.....	1
Imports.....	12
Information.....	7
Inspection services.....	12
Interest rates.....	14, 22
Legislative program.....	19
Loans.....	14
Marketing quotas.....	20
Minerals.....	8
Personnel.....	2, 3
Plants.....	13
Public debt.....	16

Public Law 313.....	2
Public Law 480.....	20
Public works.....	15
Reclamation.....	34
Research.....	20, 35
River basin.....	30
Roads and trails.....	35
Soil bank.....	1, 27
Soybeans.....	20
Surplus commodities.....	20
Surplus property.....	36
Travel.....	3
Vehicles.....	11
Wildlife.....	10

HIGHLIGHTS: Senate passed Public Law 480 bill. House passed bills to: Increase salaries of Administrative Assistant Secretaries; permit harvesting of hay on conservation reserve acreage in drought areas.

HOUSE

- 1. SOIL BANK; DISASTER RELIEF.** Passed as reported H. R. 8578, to amend the Soil Bank Act so as to authorize the Secretary to permit the harvesting of hay on conservation reserve under certain conditions (p. 16901). The bill would authorize the Secretary to permit the cutting and local sale of hay on conservation reserve (crops on which cannot be harvested) acreage by the ASC county committee in cases of natural disasters.
- 2. PERSONNEL.** Passed as reported S. 1845, to revise the basic rates of compensation for certain Government positions (pp. 16908-9). The bill as passed includes the following provisions: Increases the salaries of certain Administrative Assistant Secretaries, including this Department, to \$19,000 per annum. Authorizes the Secretary of Agriculture to establish not more than 15 scientific research and development positions in the Department under Public Law 313 at salaries between \$12,500 and \$19,000 (this represents an increase of 10 such

positions for this Department). Removes the position of Administrator of the Agricultural Research Service from the Executive Pay Act of 1956 and permits his salary to be fixed within the salary range under Public Law 313. Authorizes the Secretary of the Treasury to establish an additional 114 positions, on a graduated scale, in grades 16, 17, and 18. Reduces the number of positions in grades 16, 17, and 18 available to the Civil Service Commission for allocation to the departments and agencies by 87 as a result of allocation of additional positions to Treasury. Authorizes an additional 5 Public Law 313 positions for the Department of Health, Education and Welfare.

3. TRAVEL. Debated H. R. 5196, to increase, from \$12 to \$15, the maximum rates of per diem allowance for regular Government employees on official business (pp. 16916-21). The House voted 73 to 17 to suspend the rules and pass the bill, but on the ground that a quorum was not present, Rep. Barry objected to the vote, and the final vote was postponed until today (Sept. 8) (p. 16920)
4. AGRICULTURAL ATTACHES. Passed over, at the request of Rep. Gross, H. R. 8074, to permit the assignment of agricultural attaches to duty in the U. S. for a maximum of four years without reduction in grade. p. 16898
5. ACREAGE ALLOTMENTS. Passed, under suspension of the rules, H. R. 8343, relating to the preservation of acreage allotments on land from which the owner is displaced by reason of the acquisition thereof by a Government agency in the exercise of the right of eminent domain (pp. 16914-5). Rep. Albert stated that the bill "would make it compulsory for the Government to give a man whose land has been taken over" by the Government his farm acreage allotment on that land if he leases it back from the Government (pp. 16914).
6. FARM PROGRAM. Rep. McGovern expressed regret at what he termed the "few voices ... championing the cause of the present day farmer," and charged that Secretary Benson "seems to have enlisted on the side of the detractors rather than the defenders." He announced his intention to speak today (Sept. 8) on the "weaknesses in the Benson farm policies." pp. 16957-8
7. EXECUTIVE PRIVILEGE; INFORMATION. Rep. Meader charged that Congress is having increasing difficulties in making intelligent judgments because of "a refusal on the part of agencies and departments of the Government to provide information to Congress and inserted an article on the subject. pp. 16921-2
Rep. Udall commended and inserted an article, "A Call for Quick Action ... Editors Must Cooperate with Congressmen in the Fight to Open Records of Government Agencies." pp. 16947-8
8. MINERALS. Conferees were appointed on S. 2181, to amend the Mineral Leasing Act of 1920 so as to modify oil, gas, coal, and certain other mineral leasing requirements and conditions (p. 16897). Senate conferees have already been appointed.
9. COCONUT OIL. Passed over, at the request of Rep. Gross, H. J. Res. 441, relating to the disposition of coconut oil from the national stockpile under the Strategic and Critical Materials Stock Piling Act. p. 16897
10. WILDLIFE. Passed over, at the request of Rep. Weaver, H. R. 2565, to promote effectual planning, development, maintenance, and coordination of wildlife, fish, and game conservation and rehabilitation in military reservations. p. 16898
Passed over, at the request of Rep. Rivers, H. R. 7045, to authorize the establishment of the Arctic Wildlife Range, Alaska. p. 16898

H. Res. 278, Eighty-fourth Congress, first session: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Page 2, lines 13 and 14, strike out "in excess of 10 per centum thereof."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

STATION OF RETIRED JUDGES ASSIGNED TO ACTIVE DUTY

The Clerk called the bill (H.R. 2982) to fix the official station of retired judges assigned to active duty.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I understand this would provide for paying the expenses of a retired judge assigned to active duty from the place of domicile rather than from the judicial station. Is that correct?

Mr. CELLER. Yes. I might give the gentleman an illustration so he may better understand the purpose of the bill. Let us say we have a retired New York judge who has gone to Florida where he wants to pass the rest of his life. He is then called back to active duty in Chicago. Under present law he cannot receive any travel allowance beyond that which he would receive in going from New York to Chicago, rather than his present abode, Florida, to Chicago. It is to obviate that injustice that this bill was suggested.

Mr. GROSS. My concern is that on the adoption of this bill we will be paying the transportation costs of judges from California to New York when there are judges in intervening territory, in other words, pile up traveling expenses in the assignment of judges. I would like to have the assurance of the gentleman that it is not the intent of this legislation to move judges back and forth across the continent simply because their expenses are being paid, moving them from California to New York or New York to California for instance, when there are retired judges in between who are available at less expense.

Mr. CELLER. I do not think the gentleman need have any fears about that. We have been assured by members of the Judicial Conference and by the Administrator of the U.S. Courts and many of the chief judges of the court of appeals that will not be the case. They try to get judges as near as possible to the courts where the calendars are congested and they do not go too far unless they have to.

Mr. GROSS. I understand the purpose of the bill, but I think there should have been some restrictive language in

the bill or in the report, if not in the bill; stating that judges would not be moved from the Canadian border to Florida, from New York to California or vice versa, with judges available in between. I just do not want to see that sort of thing happen. I am not going to object to the bill, but I hope the gentleman's committee will take a second look at this, once the bill goes into effect, and ascertain whether the bill is being abused in that respect.

Mr. CELLER. We will be glad to consider the gentleman's view.

The SPEAKER pro tempore. (Mr. WALTER). Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 374 of title 28 of the United States Code is amended to read as follows:

"§ 374. Residence of retired judges; official station.

"Retired judges of the United States are not subject to restrictions as to residence. The place where a retired judge maintains the actual abode in which he customarily lives shall be deemed to be his official station for the purposes of section 456 of the title."

SEC. 2. Item 374 in the analysis of chapter 17 of title 28 of the United States Code, immediately preceding section 371 of such title, is amended to read as follows:

"374. Residence of retired judges; official station."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILSON'S CREEK BATTLEFIELD NATIONAL PARK, MO.

The Clerk called the bill (H.R. 725) to provide for the establishment of the Wilson's Creek Battlefield National Park, in the State of Missouri.

Mr. PELLY. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

ACQUISITION OF CROPLAND BY EMINENT DOMAIN

The Clerk called the bill (H.R. 8343) relating to the preservation of acreage allotments on land from which the owner is displaced by reason of the acquisition thereof by a Government agency in the exercise of the right of eminent domain.

Mr. PELLY. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

EXTENDING THE VALIDITY OF THE PASSPORT TO 3 YEARS

The Clerk called the bill (S. 1973) to extend the validity of the passport to 3 years.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, this is not the bill that is on the list of suspensions for today?

Mr. MORGAN. No, sir.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to regulate the issue and validity of passports, and for other purposes", approved July 3, 1926 (44 Stat. 887), is amended (1) by striking out "of two years" and inserting in lieu thereof "of three years", and (2) by striking out "four years" and inserting in lieu thereof "five years".

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

CUTTING OF HAY FROM SOIL BANK LAND

The Clerk called the bill (H.R. 8578) to amend the Soil Bank Act so as to authorize the Secretary of Agriculture to permit the harvesting of hay on conservation reserve acreage under certain conditions.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 107(a)(3) of the Soil Bank Act is amended by inserting before the period at the end thereof a comma and the following: "and except that the Secretary may authorize the county agricultural stabilization committees to sell hay on such acreage, with the consent of the producer, to the highest bidder, and return the proceeds thereof to the United States Treasury, less such amounts as the committees deem adequate to compensate the producer for damage, if any, to his premises, if after certification by the Governor of the State in which such acreage is situated of the need therefor, the Secretary determines that it is necessary to permit such sale in order to alleviate damage, hardship, or suffering caused by severe drought, flood, or other natural disaster".

With the following committee amendment:

Page 2, line 1, strike out "if" and insert "provided".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHANGING THE NAME OF ROOSEVELT DAM, RESERVOIR, AND POWER PLANT IN ARIZONA TO THEODORE ROOSEVELT DAM, LAKE, AND POWER PLANT

The Clerk called Senate Joint Resolution 25, to change the name of Roosevelt Dam, Reservoir, and Power Plant in Arizona to Theodore Roosevelt Dam, Lake, and Power Plant.

There being no objection, the Clerk read the Senate joint resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the dam, reservoir, and power plant in Arizona, known as Roosevelt Dam, Reservoir, and Power Plant, shall hereafter be known as Theodore Roosevelt Dam, Lake, and Power Plant, and any law, regulation, document, or record of the United States in which such dam, reservoir and power plant are designated or referred to under the name of Roosevelt Dam, Reservoir, and Power Plant shall be held to refer to such dam, reservoir, and power plant and by the name of Theodore Roosevelt Dam, Lake, and Power Plant.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROMOTING PEACE THROUGH THE REDUCTION OF ARMAMENTS

The Clerk called House Concurrent Resolution 393.

The SPEAKER pro tempore. Is there objection to the present consideration of the House concurrent resolution?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to have some explanation of the necessity for this legislation. I should like particularly to have some explanation of the language on page 2 of the bill reading "to devote a substantial portion of any resultant savings to expand its works of peace throughout the world."

Mr. ZABLOCKI. Mr. Speaker, I know the gentleman is fully familiar with the report accompanying this House concurrent resolution. The purpose of the resolution is very clear. It is to encourage and to reassure the nations of the world of the reaffirmation by the Congress of the U.S. policy toward disarmament and to assist undeveloped countries in the years to come. As the gentleman knows, Communist propaganda reiterates to the people of the world that U.S. assistance to other nations is related only to our cold war effort. This resolution states it is the intent of the United States to divert a portion of the money not used for armament for the improvement of undeveloped countries.

Mr. GROSS. Let me ask the gentleman this question. Why do we have to reaffirm our position in this matter of disarmament and peace to any nation in the world? What makes this sort of a resolution necessary?

Mr. ZABLOCKI. Well, I am sure the gentleman is fully aware of the fact that Communist propaganda is exploiting developments in certain parts of the undeveloped areas of the world. Therefore, I am sure the gentleman will agree with me that it is necessary to reiterate our position.

Mr. GROSS. Is there any question on the part of anyone, outside of the Iron Curtain countries, perhaps, about where we stand on disarmament and peace? I just cannot understand what this resolution is designed to do.

Mr. ZABLOCKI. I agree with the gentleman that there should not be any doubt. But, if there is one iota of evidence that there is some doubt, I think

that the passage of the resolution, is warranted. It is in keeping with our international policy.

Mr. GROSS. Now, let us get down to the language on page 2. The resolution reaffirms our position in behalf of disarmament and then states that it is the policy of Congress "to devote a substantial portion of any resultant savings to expand its work of peace throughout the world." What do you mean by that? If we cut off several billion dollars in providing weapons, are we going to turn around and spend that on some more foreign boondoggles as we are today?

Mr. ZABLOCKI. It does not mean that at all.

Mr. GROSS. Then, what does it mean?

Mr. ZABLOCKI. Let us say there is a saving of \$10 billion as the result of this disarmament program. A substantial amount—could be interpreted to be \$1 billion, half a billion, or \$200 million; in my opinion a million is a substantial amount. The point is we are reiterating that should there be any savings as a result of disarmament, it is our intent to whatever extent practicable or reasonable, to divert such savings to better the economies of the underdeveloped areas of the world.

Mr. GROSS. How do you propose to do that, add to all of the boondoggles that are now being carried on? Where and how do you propose to spend the money? Are you just dealing in euphemy here? Again, what does that mean?

Mr. ZABLOCKI. I do not think we are dealing with euphemy. I think it is very necessary. I might point out that any savings due to demilitarization or less expenditure on military projects could very well be diverted to continue the agricultural surplus program.

Mr. GROSS. Let me ask the gentleman in all fairness and in all candor this question. Does not the gentleman from Wisconsin think that if we can make any saving as a result of disarmament, that we ought to apply that to retirement of the \$290 billion Federal debt instead of adding it to the load that is already being poured out all over the world? Why this language? Do you want to come back to the Congress on another day and say, "Oh, you voted for the resolution that established this policy." You hear that almost every day.

Mr. ZABLOCKI. The gentleman knows that this or any Congress cannot bind any future Congress. Because of the psychological impact I believe it is very vital and necessary that Congress reiterate our desire for peace.

Mr. ANDERSEN of Minnesota. Mr. Speaker, this measure is of such far-reaching importance that it should be fully discussed under the rules of the House, and I object to its consideration.

CHANGING THE DATE OF CHILD HEALTH DAY

The Clerk called the resolution (H.J. Res. 317) to change the designation of Child Health Day from May 1 to the first Monday in October of each year.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. GROSS. Mr. Speaker, reserving the right to object, does this mean that we have so many days set off under the law that no one can keep track of them and so they conflict with each other? Is that not about the situation in connection with this resolution?

Mr. FORRESTER. Mr. Speaker, if the gentleman will yield, what it means is this: In 1928 this Congress—a long time before I was here—

Mr. GROSS. And before I was here, too.

Mr. FORRESTER. Passed a Child Health Day. A few years ago this Congress set up a Loyalty Day, one which was very needful and designed for the express purpose of furnishing some opposition to the Communists in the State of New York on May Day. So, they passed that last bill, and you have two bills for the same day now.

Mr. GROSS. Well, that is what I say. We are getting so many of these days that nobody seems to be able to keep track of them. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the Clerk read the joint resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective January 1, 1960, the Act of May 18, 1928 (36 U.S.C. 143), is amended by striking out "May 1" and inserting in lieu thereof "the first Monday in October".

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELATING TO FALSE FINANCIAL STATEMENTS IN BANKRUPTCY

The Clerk called the bill (H.R. 4346) to amend the Bankruptcy Act to limit the use of false financial statements as a bar to discharge.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14c(3) of the Bankruptcy Act, as amended (11 U.S.C. 32(c)(3)), is amended to read as follows:

"(3) while engaged in business as a sole proprietor, partnership, or as an executive of a corporation, obtained for such business money or property on credit or as an extension or renewal of credit by making or publishing or causing to be made or published in any manner whatsoever a materially false statement in writing respecting his financial condition or the financial condition of such partnership or corporation; or"

SEC. 2. Subdivision a. of section 17 of the Bankruptcy Act, as amended (11 U.S.C. 35a), is amended to read as follows:

"a. A discharge in bankruptcy shall release a bankrupt from all of his provable debts, whether allowable in full or in part, except such as (1) are due as a tax levied by the United States, or any State, county, district, or municipality; (2) are liabilities for obtaining money or property by false pretenses or false representations, or for obtaining money or property on credit or obtain-

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

Issued September 9, 1959
For actions of September 8, 1959
86th-1st, No. 158

CONTENTS

Accounting.....	19		
Air pollution.....	23		
Appropriations			
.....2,9,11,19,23,25			
CCC feed.....	1		
Conservation.....	20		
Cotton.....	25,29		
Credit unions.....	23		
Disaster relief.....	1		
Electrification.....	22		
Farm program.....	18,24		
Feed.....	1		
Food additives.....	32		
Foreign aid.....	9,11		
Foreign trade.....	6		
Forestry.....	5		
Health.....	32		
Holidays.....	23		
Housing.....	9,10,23		
Imports.....	17		
Industrial uses.....	12		
Inflation.....	7		
Inspection services.....	17		
Interest rates.....	13		
Irrigation.....	22		
Lands.....	16,30		
Legislative program.....	9,23		
Life insurance.....	23		
Minerals.....	16		
Mutual security.....	9,11		
Oleomargarine.....	23		
Overseas personnel.....	4		
Patents.....	14		
Payments in lieu			
of taxes.....	23		
Personnel.....	3,4,23,33		
Plants.....	14		
Public debt.....	7		
Public works.....	2,25		
Recreation.....	5		
Research.....	12,32		
Small business.....	23		
Surplus property.....	8,23		
Tariffs.....	31		
Taxation.....	23,33		
Travel.....	3		
Vehicles.....	27		
Virgin Islands.....	28		
Water pollution.....	23,24		
Water resources.....	15		
Water rights.....	21		
Water treatment.....	35		

HIGHLIGHTS: House passed bill to authorize sale of CCC feed at market prices in emergency areas. Both Houses passed new public works appropriation bill. Senate committee reported new housing bill. Senate committee reported mutual security appropriation bill. Sen. Stennis urged passage of industrial-uses research bill.

HOUSE

- 1. FEED; DISASTER RELIEF.** Passed as reported S. 2504, to authorize the Department to sell at current support prices CCC feed for livestock in emergency areas (pp. 17042-3). Rep. McGovern stated that this bill authorizes the Secretary, when he determines an area to be a disaster area, to sell feed in that area at support prices. He stated that, as passed by the Senate, S. 2504, would have authorized these sales at market prices, instead of support prices as provided in the bill as passed by the House. (p. 17042)
- 2. PUBLIC WORKS.** Passed, 303 to 93, without amendment H. R. 9105, the new public works appropriation bill for 1960 after rejecting a motion by Rep. Taber to recommit the bill to committee. (pp. 17047-65). Rep. Cannon stated that this bill represents a 2½% across-the-board reduction from the bill vetoed by the President (H. R. 7509) (p. 17047).

Rejected the following amendments:

By Rep. Taber, 91 to 216, to delete certain "new starts" from the bill.
pp. 17057-63

By Rep. Jensen, to cut across-the-board all projects in the bill by another
2½%. p. 17063

The Senate, later in the day, passed, 73 to 15, without amendment this bill
(pp. 17122-6). The bill will now be sent to the President.

3. TRAVEL. Passed, 246 to 68, under suspension of the rules, H. R. 5196, to increase, from \$12 to \$15, the maximum rates of per diem allowance for regular Government employees on official business, to increase the maximum mileage rate for privately owned automobiles or airplanes from the present 10 cents to 12 cents per mile, and for motorcycles from the present 6 cents to 7 cents per mile, and to permit the reimbursement for the actual cost of parking fees when incurred for privately owned vehicles when engaged on official business. (pp. 17043-4).
4. OVERSEAS PERSONNEL. Passed, 249 to 71, under suspension of the rules, H. R. 7758, to improve the administration of oversea activities of the Government (p. 17044). In debate on the bill Sept. 7, Rep. Murray stated that the general purpose of the bill "is to improve oversea civilian personnel administration by bringing together in one law a number of varying existing statutory provisions authorizing allowances and differentials for oversea employees of the Government and by extending similar authorizations to those departments and agencies which do not now have such statutory provisions." In addition he stated the bill compensates overseas personnel for hardships incurred due to location out of this country (p. 16925, Sept. 7).
5. FORESTRY; RECREATION. Rep. Porter announced the 50th anniversary of the Oregon Caves being proclaimed a national monument and stated that, although the jurisdiction over the Caves was transferred from Forest Service to the National Park Service, the Forest Service has outlined considerable recreational development plans in the Oregon Caves vicinity. p. 17081
6. FOREIGN TRADE. Rep. Boggs commended the past operation of the U. S. foreign trade policy including reciprocal trade agreements and urged emphasizing to other countries "the urgent necessity" of their eliminating restrictive trade and fiscal practices regarding U. S. exports. He inserted a number of articles including evidence of restriction by foreign countries of U. S. farm exports. pp. 17081-96
7. PUBLIC DEBT; INFLATION. Rep. Simpson criticized the Democratic leadership for not acting on the President's request to raise interest rates on the long-term Government securities and inserted an article contending that failure to act on this request has resulted in higher interest rates in the economy and urging support for the President on this issue. pp. 17099
8. SURPLUS PROPERTY. Received from HEW a proposed bill "to amend the Federal Property and Administrative Services Act of 1949, as amended, so as to authorize the use of surplus personal property by State distribution agencies"; to Government Operations Committee. p. 17113
9. LEGISLATIVE PROGRAM. Rep. McCormack announced that the House would soon consider the housing bill and the mutual security conference report, and that today (Sept. 9) it would consider the highway bill, and a conference report "on an agricultural bill" (p. 17080). He received consent to consider conference reports the same day as reported (p. 17080). The House also passed a

86TH CONGRESS
1ST SESSION

H. R. 8578

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 8 (legislative day, SEPTEMBER 5), 1959

Read twice and referred to the Committee on Agriculture and Forestry

AN ACT

To amend the Soil Bank Act so as to authorize the Secretary of Agriculture to permit the harvesting of hay on conservation reserve acreage under certain conditions.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 107 (a) (3) of the Soil Bank Act is amended
4 by inserting before the period at the end thereof a comma
5 and the following: "and except that the Secretary may
6 authorize the county agricultural stabilization committees
7 to sell hay on such acreage, with the consent of the producer,
8 to the highest bidder, and return the proceeds thereof to the
9 United States Treasury, less such amounts as the committees
10 deem adequate to compensate the producer for damage, if

1 any, to his premises, provided, after certification by the
2 Governor of the State in which such acreage is situated of
3 the need therefor, the Secretary determines that it is neces-
4 sary to permit such sale in order to alleviate damage, hard-
5 ship, or suffering caused by severe drought, flood, or other
6 natural disaster”.

Passed the House of Representatives September 7, 1959.

Attest:

RALPH R. ROBERTS,

Clerk.

AN ACT

To amend the Soil Bank Act so as to authorize the Secretary of Agriculture to permit the harvesting of hay on conservation reserve acreage under certain conditions.

SEPTEMBER 8 (legislative day, SEPTEMBER 5), 1959

Read twice and referred to the Committee on
Agriculture and Forestry

Mr. MONRONEY. I am happy to yield.

Mr. CLARK. I ask for the attention of Mr. Baker, as I ask the Senator this question: Would the Senator feel there would be any objection to my suggesting the absence of a quorum, so that we can find out how many Democrats will support the Democratic policy by having a quick vote on the Anderson amendment?

The Senator may not have been on the floor when the majority leader said he expected a vote on the Anderson amendment at about 7:20 p.m. Would the Senator object if I suggested the absence of a quorum?

Mr. MONRONEY. I would be happy to yield for the suggestion of the absence of a quorum.

Mr. CLARK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. (Mr. LAUSCHE in the chair.) The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CLARK. Mr. President, a parliamentary inquiry. Since the Senator from Oklahoma yielded for the suggestion of the absence of a quorum, does the Senator from Oklahoma still have a right to the floor?

Mr. President, I ask unanimous consent that the Senator from Oklahoma may retain his right to the floor, at the conclusion of the call of the roll.

The PRESIDING OFFICER. The request is out of order. The order for the quorum call has been entered. Unless there is a request to withdraw the order for the quorum call, the clerk will continue to call the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLARK. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum without the Senator from Oklahoma losing his right to the floor.

Mr. MORSE. Mr. President, reserving the right to object, as one who is very desirous of saving the time of the Senate, I should like to suggest that we probably would save time by granting the request, so I shall not object.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none, and it is so ordered.

Mr. CLARK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CLARK. Mr. President, a parliamentary inquiry. How far has the call of the roll progressed?

The PRESIDING OFFICER. The Senator from Pennsylvania is out of order. An inquiry of that type cannot be made while the roll is being called.

Mr. CLARK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. MANSFIELD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The legislative clerk resumed the call of the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded in order that the Senator from New Jersey [Mr. CASE] may be recognized.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none, and it is so ordered.

AMENDMENT OF INTERSTATE COMMERCE ACT, RELATING TO DISCONTINUANCE OF CERTAIN OPERATIONS

Mr. CASE of New Jersey. Mr. President, out of order, on behalf of myself and Senators BUSH, DODD, JAVITS, KEATING, and NEUBERGER, I ask unanimous consent to introduce, for appropriate reference, a bill to amend section 13a(1) of the Interstate Commerce Act with respect to the discontinuance or change of operations of certain trains and ferries.

The PRESIDING OFFICER. Without objection, the bill will be received and appropriately referred.

The bill (S. 2659) to amend section 13a(1) of the Interstate Commerce Act with respect to the discontinuance or change of operations of certain trains and ferries, introduced by Mr. CASE of New Jersey (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

(Senate proceedings continued after House proceedings of today's RECORD.)

House of Representatives

TUESDAY, SEPTEMBER 8, 1959

The House met at 11 o'clock a.m. Father James Lyons, St. Gertrude's Church, Chicago, offered the following prayer:

In the name of the Father and of the Son and of the Holy Ghost. Amen.

May the ideas and the ideals of St. Francis of Assisi be true of each of our Representatives today. St. Francis wrote:

"Lord, make me an instrument of Your peace. Where there is hatred, let me sow love; where there is injury, pardon; where there is doubt, faith; where there is despair, hope; where there is darkness, light; and where there is sadness, joy.

"O Divine Master, grant that I may not so much seek to be consoled as to console; to be understood as to understand; to be loved as to love; for it is in giving that we receive; it is in pardoning that we are pardoned; and it is in dying that we are born to eternal life."

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 435. Concurrent resolution declaring that the Congress does hereby express its deep realization and appreciation of the basic role that labor plays in our economy and of the contributions that American working men and women have made to America's well-being.

NEBRASKA MID-STATE UNIT IN THE MISSOURI RIVER BASIN PROJECT

Mr. SMITH of Mississippi. Mr. Speaker, I ask unanimous consent that the Committee on Public Works be discharged from further consideration of the bill (H.R. 8985) to provide for the inclusion of the Nebraska Mid-State unit in the Missouri River Basin project, and that the bill be referred to the Committee on Interior and Insular Affairs.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

AUTHORIZING SALE AT MARKET PRICES OF CERTAIN AGRICULTURAL COMMODITIES

Mr. McGOVERN. Mr. Speaker, I ask unanimous consent for the immediate

consideration of the bill (S. 2504) to authorize the sale at market prices of agricultural commodities owned by the Commodity Credit Corporation to provide feed for livestock in areas determined to be emergency areas, and for other purposes.

The Clerk read the title of the bill. The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

Mr. HOEVEN. Mr. Speaker, reserving the right to object, will the gentleman explain the purpose of the legislation and the clarifying amendments which were agreed to in committee?

Mr. McGOVERN. Mr. Speaker, this legislation authorizes the Secretary of Agriculture when he determines that a drought or other emergency is sufficient to authorize the sale of Commodity Credit Corporation feed at the current support price. The original bill passed by the other body would authorize such sales at the "market price," but, as I pointed out before the House Committee on Agriculture, this provision would not accomplish the real purpose of the bill, which is to assist the farmers in an area where there is a feed shortage stemming from drought or other emergencies. Presumably, in a feed shortage area, market prices will rise—perhaps above the level now authorized for the sale of CCC feed. In that case the bill as passed by the Senate would be of no value at all.

My amendment, approved unanimously by the House Committee on Agriculture, can save drought-stricken farmers many thousands of dollars by permitting Government feed to be sold at the existing support level price.

This is sound legislation because it not only gives the Secretary additional authority to help farmers in drought areas, but it can reduce costly Government storages. After all one of the purposes of a grain storage program is to have a reserve supply of feed in case of drought. I find it hard to understand why the Secretary of Agriculture is so reluctant to use the drought authority he now has.

The Department of Agriculture objected to a phase of the bill as it passed the other body which permitted soil bank acres to be harvested in drought areas. We struck that title from the bill. Let me say that the soil bank emergency bill which the House passed yesterday is superior to the title which we removed from the pending bill. There are two or three other minor amendments that do not change the substance of the bill as reported by the committee.

Mr. HOEVEN. Mr. Speaker, will the gentleman yield?

Mr. McGOVERN. I yield to the gentleman from Iowa.

Mr. HOEVEN. This legislation is permissive, and the Secretary is only authorized to act whenever the Governor of the State certifies that a particular need arises in his State?

Mr. McGOVERN. That is correct. I hope the House will not object to this bill needed by our farmers. We have greatly improved the measure as originally passed by the Senate. I trust that our action will be accepted by the other body and that Mr. Benson will use the additional authority which this bill gives him.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 407 of the Agricultural Act of 1949, the Secretary of Agriculture is authorized to sell at market prices, any wheat, corn, oats, barley, rye, or grain sorghums (hereafter referred to as feed grains), owned by the Commodity Credit Corporation, to provide feed for livestock in any area determined by him to be an emergency area under section 2.

SEC. 2. The Secretary may designate any area as an emergency area for the purposes of this Act if he determines that, as a result of flood, drought, hurricane, tornado, or other catastrophe there is a shortage of feed for livestock in such area.

SEC. 3. The Secretary shall not sell feed grains under this Act to any person unless he is satisfied that such person does not have, and is unable to obtain through normal channels of trade without undue financial hardship, sufficient feed for livestock owned by him, and unless such person agrees to use the feed grains only for such livestock.

SEC. 4. Any person who fails to carry out an agreement entered into under section 3 with respect to any feed grains purchased under this Act, or who disposes of any such feed grains other than by feeding to livestock owned by him, shall be subject to a penalty equal to but not in excess of the market value of the feed grains involved, to be recovered by the Secretary in a civil suit brought for that purpose.

SEC. 5. Section 107(a)(3) of the Soil Bank Act is amended by inserting before the period at the end thereof a comma and the following: "and except that the Secretary may authorize the producer to harvest hay on such acreage if, after certification by the Governor of the State in which such acreage is situated of the need therefor, the Secretary determines that it is necessary to permit such harvesting in order to alleviate damage, hardship, or suffering caused by severe drought, flood, or other natural disaster".

With the following committee amendments:

Page 1, line 5, strike out "market" and insert "current support".

Page 2, line 1, after "may," insert "after certification by the Governor of the State in which such area is situated of the need therefor,".

Page 2, line 5, strike out "or other catastrophe" and insert "earthquake, or other catastrophe including disease or insect infestation".

Page 2, line 22, after the word "purpose," insert "and in addition shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than \$1,000 or imprisonment for not more than one year."

Page 3, strike out section 5.

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time and passed.

The title was amended so as to read: "An act to authorize the sale at current support prices of agricultural commodities owned by the Commodity Credit Corporation to provide feed for livestock in areas determined to be emergency areas, and for other purposes."

A motion to reconsider was laid on the table.

ADDITIONAL BUILDING FOR THE LIBRARY OF CONGRESS

The SPEAKER. The unfinished business is, Will the House suspend the rules and pass House Joint Resolution 352 authorizing a preliminary study and review in connection with proposed additional building for the Library of Congress?

The question was taken.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 323, nays 46, not voting 67, as follows:

[Roll No. 169]

YEAS—323

Abbitt	Brademas	Dent
Abernethy	Bray	Denton
Adair	Breeding	Derounian
Albert	Brock	Diggs
Alexander	Brooks, La.	Dingell
Alford	Brooks, Tex.	Dixon
Anderson,	Broomfield	Dollinger
Mont.	Brown, Ga.	Donohue
Andrews	Brown, Mo.	Dooley
Arends	Brown, Ohio	Dorn, N.Y.
Ashley	Burdick	Downing
Ashmore	Burke, Ky.	Doyle
Aspinall	Burke, Mass.	Dwyer
Auchincloss	Burleson	Edmondson
Avery	Cahill	Elmott
Bailey	Cannon	Everett
Baker	Carnahan	Fallon
Baldwin	Casey	Farbstein
Baring	Celler	Fascell
Barr	Chamberlain	Feighan
Barrett	Chelf	Fenton
Barry	Chenoweth	Fino
Bass, N.H.	Chiperfield	Fisher
Bass, Tenn.	Church	Flood
Bates	Clark	Flynn
Beckworth	Codd	Flynt
Belcher	Coffin	Fogarty
Bennett, Fla.	Cohelan	Foley
Bennett, Mich.	Collier	Forand
Bentley	Colmer	Forrester
Betts	Conte	Fountain
Blatnik	Cook	Frazier
Boggs	Corbett	Frellinghuysen
Boland	Cramer	Friedel
Bolling	Curtin	Fulton
Bonner	Curtis, Mass.	Garmatz
Bosch	Curtis, Mo.	Gathings
Bow	Daddario	Gavin
Bowles	Davis, Ga.	George
Boykin	Davis, Tenn.	Glenn
Boyle	Dawson	Granahan

Grant	McGinley	Rodino
Green, Oreg.	McGovern	Rogers, Colo.
Green, Pa.	McIntire	Rogers, Fla.
Griffin	Macdonald	Rogers, Mass.
Griffiths	Mack, Ill.	Rogers, Tex.
Gubser	Mack, Wash.	Rooney
Hagen	Madden	Roosevelt
Halleck	Magnuson	Rostenkowski
Halpern	Mahon	Roush
Hardy	Mailliard	Rutherford
Hargis	May	Santangelo
Harmon	Meador	Saund
Harris	Merrow	Schenck
Hays	Metcalf	Schwengel
Healey	Meyer	Scott
Hébert	Michel	Selden
Hechler	Miller, Clem	Shelley
Hemphill	Miller,	Shipley
Henderson	George P.	Simpson, Ill.
Herlong	Mills	Sisk
Hoffman, Ill.	Mitchell	Slack
Hogan	Monagan	Smith, Iowa
Holland	Montoya	Smith, Kans.
Holt	Morgan	Smith, Miss.
Holtzman	Morris, N. Mex.	Smith, Va.
Horan	Morris, Okla.	Spence
Hosmer	Morrison	Springer
Huddleston	Moss	Steed
Hull	Moulder	Stratton
Ikard	Multer	Stubblefield
Inouye	Murphy	Sullivan
Irwin	Murray	Teague, Tex.
Jackson	Natcher	Thomas
Jarman	Nix	Thompson, La.
Jennings	Norblad	Thompson, Tex.
Johnson, Calif.	Norrell	Thomson, Wyo.
Johnson, Colo.	O'Brien, Ill.	Thornberry
Johnson, Md.	O'Hara, Ill.	Toll
Johnson, Wis.	O'Hara, Mich.	Trimble
Jonas	Oliver	Tuck
Jones, Ala.	Osmer	Udall
Karsen	Ostertag	Ullman
Karsh	Passman	Vanik
Kasem	Pelly	Van Zandt
Kastenmiller	Perkins	Vinson
Kearns	Pfost	Wainwright
Kee	Philbin	Wallhauser
Keith	Pilcher	Walter
Kelly	Pirnie	Wampler
Kilday	Roff	Watts
Kilgore	Porter	Weis
King, Calif.	Price	Wharton
King, Utah	Prokop	Whitener
Kirwan	Pucinski	Whitten
Kitchin	Quie	Widnall
Kluczynski	Rabaut	Wier
Knox	Rains	Williams
Kowalski	Randall	Willis
Lane	Ray	Winstead
Lankford	Reece, Tenn.	Withrow
Lennon	Rees, Kans.	Wolf
Libonati	Rhodes, Ariz.	Wright
Lindsay	Rhodes, Pa.	Young
Loose	Riley	Younger
McCormack	Rivers, Alaska	Zablocki
McCulloch	Rivers, S.C.	Zelenko
McDowell	Roberts	
McFall	Robison	

NAYS—46

Allen	Hoeven	Mumma
Andersen,	Hoffman, Mich.	Nelsen
Minn.	Jensen	O'Konski
Berry	Johansen	Preston
Budge	Lafore	Saylor
Bush	Laird	Short
Byrnes, Wis.	Landrum	Siler
Cederberg	Langen	Simpson, Pa.
Cunningham	Latta	Smith, Calif.
Dague	Lipscomb	Taber
Devine	McMillan	Teague, Calif.
Dorn, S.C.	Machrowicz	Utt
Dowdy	Mason	Weaver
Gross	Matthews	Wilson
Haley	Milliken	
Hiestand	Moore	

NOT VOTING—67

Addonizio	Daniels	Jones, Mo.
Alger	Delaney	Judd
Anfuso	Derwinski	Keogh
Ayres	Dulski	Kilburn
Barden	Durham	Miller, N.Y.
Baumhart	Evins	Lesinski
Becker	Ford	Levering
Blitch	Gallagher	McDonough
Bolton	Gary	McSween
Brewster	Giallino	Marshall
Broyhill	Goodell	Martin
Buckley	Gray	Minshall
Byrne, Pa.	Hall	Moeller
Canfield	Harrison	Moorhead
Carter	Hess	O'Brien, N.Y.
Cooley	Holifield	O'Neill

Patman	St. George	Teller
Pillion	Scherer	Thompson, N.J.
Poage	Sheppard	Tollefson
Powell	Sikes	Van Pelt
Quigley	Staggers	Westland
Reuss	Taylor	Yates
Riehlman		

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Buckley for, with Mr. Taylor against.
Mr. Keogh for, with Mr. Van Pelt against.
Mr. Yates for, with Mr. Kilburn against.

Until further notice:

Mr. Anfuso with Mr. Martin.
Mr. Addonizio with Mr. Baumhart.
Mr. Holifield with Mr. Becker.
Mr. Harrison with Mr. Broyhill.
Mr. Sheppard with Mr. Riehlman.
Mr. Sikes with Mr. Westland.
Mr. Moorhead with Mr. Miller of New York.
Mr. O'Neill with Mr. Alger.
Mr. Giallino with Mrs. Bolton.
Mr. Gallagher with Mr. Judd.
Mr. Teller with Mr. Ayres.
Mr. Byrne of Pennsylvania, with Mr. Hess.
Mr. Dulski with Mr. Ford.
Mr. Hall with Mr. Tollefson.
Mr. Quigley with Mr. Scherer.
Mr. Staggers with Mr. Minshall.
Mr. Thompson of New Jersey with Mr. Derwinski.
Mr. Delaney with Mr. Saylor.
Mr. Daniels with Mr. Pillion.
Mr. Evins with Mr. Goodell.
Mr. Moeller with Mr. Canfield.
Mr. Brewster with Mr. McDonough.
Mr. O'Brien of New York with Mrs. St. George.

The result of the vote was announced as above recorded.

The doors were opened.

SUSPENSION OF THE RULES

The SPEAKER. The unfinished business is, Will the House suspend the rules and pass House Resolution 379?

The Clerk read the resolution, as follows:

Resolved, That it shall be in order for the Speaker at any time on Thursday, September 10, 1959, and at any time during the remainder of the week, to entertain motions to suspend the rules, notwithstanding the provisions of clause 1, rule XXVII.

Mr. GROSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

INCREASED PER DIEM ALLOWANCE FOR TRAVEL

The SPEAKER. The further unfinished business is, Will the House suspend the rules and pass the bill (H.R. 5196) to increase the maximum rates of per diem allowance for employees of the Government traveling on official business, and for other purposes?

The Clerk read the title of the bill.

The question was taken; and on a division (demanded by Mr. HALLECK), there were—ayes 246, noes 68.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

OVERSEAS DIFFERENTIALS AND ALLOWANCES ACT

The SPEAKER. The further unfinished business is, Will the House suspend the rules and pass the bill (H.R. 7758) to improve the administration of overseas activities of the Government of the United States, and for other purposes, as amended.

The question was taken; and on a division (demanded by Mr. JOHANSEN) there were—ayes 249, noes 71.

Mr. JOHANSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day.

The Clerk will call the first individual bill on the calendar.

PAGE A. WILSON

The Clerk called the bill (S. 36) for the relief of Page A. Wilson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Page A. Wilson, Major, United States Air Force, is hereby relieved of all liability for repayment to the United States of the sum of \$1,718.80, representing the balance as of May 1, 1959, of overpayments of longevity pay paid to him as the result of his claiming membership in the Enlisted Reserve Corps of the Army for the period November 17, 1930, to September 8, 1933, which period was disallowed by the Air Force after the said Page A. Wilson had been paid on the basis of such period for over fourteen years, the said Page A. Wilson having believed such period had been verified a short time after it had been originally claimed by him.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to the said Page A. Wilson, any sum or amounts received or withheld from him after May 1, 1959, on account of the overpayments referred to in the first section of this Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ARSHALOUS SIMEONIAN

The Clerk called the bill (S. 1081) for the relief of Arshalous Simeonian.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of paragraph (6) of section 212(a) of the Immigration and Nationality Act, Arshalous Simeonian may, if he is found to be otherwise admissible under the provisions of such Act, be issued a visa and be admitted to the United States for permanent residence, under such

conditions and controls as the Attorney General, after consultation with the Surgeon General of the United States, deems necessary to impose: Provided, That a suitable or proper bond or undertaking, approved by the Attorney General, shall be given by or on behalf of the said Arshalous Simeonian in the same manner and subject to the same conditions as bonds or undertakings given under section 213 of such Act: Provided further, That this Act shall apply only to grounds for exclusion under paragraph (6) of section 212(a) of such Act known to the Secretary of State or the Attorney General prior to the date of the enactment of this Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MATILDA KOLICH

The Clerk called the bill (S. 1613) for the relief of Matilda Kolich.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Matilda Kolich, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Vid A. Kolich, citizens of the United States: Provided, That the natural parents of Matilda Kolich shall not, come by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILLIAM J. BARBIERO

The Clerk called the bill (H.R. 7036) for the relief of William J. Barbiero.

There being no objection the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William J. Barbiero, of Brooklyn, New York, the sum of \$2,000. The payment of such sum shall be in full settlement of all the claims of William J. Barbiero against the United States for loss of earnings and damage to his property due to the deterioration in storage, as a result of delay on the part of agents of the United States in processing his petition for the return of his truck, the sole asset of his trucking business, which had been confiscated through no fault of his by agents of the United States Treasury on October 21, 1958: Provided, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 6, strike "\$2,000" and insert "\$300."

Page 1, line 8, strike "earnings."

Page 1, lines 9, 10, and 11, strike ", as a result of delay on the part of agents of the United States in processing his petition for the return."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHARLES H. BIEDERMAN

The Clerk called the bill (H.R. 8761) for the relief of the estate of Charles H. Biederman.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any statute of limitations, the lapse of time, the limitations contained in sections 322 and 3774 of the Internal Revenue Code of 1939, or the defense of res adjudicata and particularly such a defense of res adjudicata with respect to the decision of the Tax Court of the United States entered August 26, 1948, pursuant to a stipulation entered into on August 16, 1948, by a guardian of Charles H. Biederman, jurisdiction is hereby conferred on the Court of Claims to hear, determine, and render judgment on the claim of the estate of Charles H. Biederman, deceased, for the overpayment of Federal income taxes of the said Charles H. Biederman for the taxable years 1936 and 1944, inclusive, together with the amounts of penalties and interest paid thereon.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

OURANIA BEN BLIKAS

The Clerk called the bill (S. 2101) for the relief of Ourania Ben Blikas.

Mr. CONTE. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. WALTER. I object, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Ourania Ben Blikas shall be held and considered to be the natural-born minor alien child of Mr. and Mrs. Ben John Blikas, citizens of the United States: Provided, That the natural mother of the beneficiary shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CAPT. THOMAS J. McARDLE

The Clerk called the bill (S. 1149) for the relief of Capt. Thomas J. McArdle.

Sept 10, 1959

SENATE

10. WHEAT. Passed as reported S. 2449, to extend the International Wheat Agreement Act of 1949 to cover the International Wheat Agreement, 1959. The committee report states that the amendments are "purely technical, making no change in substance." p. 17433
11. FEED; DISASTER RELIEF. Concurred in the House amendments to S. 2504, to authorize this Department to sell at current support prices CCC feed for live-stock in emergency areas. This bill will now be sent to the President. pp. 17396-7
12. FARM LOANS. Agreed to the conference report on H. R. 7629, to extend for 2 years, until June 30, 1961, the authority of the Farmers' Home Administration to make real estate loans for refinancing farm debts, and providing that growing or recently harvested crops shall be included in computing a farmer's assets in making loans under this authority. This bill will now be sent to the President. p. 17397
13. PERSONNEL. Concurred in the House amendments to S. 1845, to grant this Department 10 additional Public Law 313 positions, increase the salaries of certain Administrative Assistant Secretaries (including this Department), and revise the basic rates of compensation of certain other Government positions (see Digest 157 for a summary of the provisions of the bill). This bill will now be sent to the President. pp. 17399-400
Concurred in the House amendments, with additional amendments, to S. 2162, to provide a health benefits program for Federal employees. Sen. Johnston explained that the Senate amendments "make it clear that the price figures established in the bill by the House apply to the purchase of health benefits and do not include auxiliary costs in addition to sharing the cost of the health benefits purchased" and "make clear that both Government and employees will share these auxiliary costs in addition to sharing the cost of the health benefits purchased" and provides for "a Director of Retirement and Insurance." pp. 17402-7
Passed as reported H. R. 4283, to amend the District of Columbia Income and Franchise Tax Act of 1947 so as to provide that certain officers of the executive branch of the Federal Government appointed by the President and confirmed by the Senate shall be exempt from the act. pp. 17431-2
14. WATER UTILIZATION. Passed without amendment S. 1605, to grant the consent of Congress to Kan. and Nebr. to negotiate and enter into a compact relating to the apportionment of the waters of the Big Blue River and its tributaries as they affect these States. p. 17374
15. PATENTS, PLANTS. Passed over, at the request of Sen. Prouty, S. 1447, to amend Sec. 161, title 35, U. S. Code, with respect to patents for plants so as to eliminate the exclusion of tuber propagated plants from being patented. p. 17375
16. MINERALS. Passed without amendment S. 1537, to establish a national mining and minerals policy. pp. 17382-3
Agreed to H. Con. Res. 177, requesting the President to have reviews made, and to report to Congress, on the more effective use of Government programs in increasing production and employment in critically depressed mining and mineral industries affecting public and other lands. p. 17383

17. WATER RESOURCES. Passed as reported S. 2628, to establish a U. S. Study Commission on the Development of the Rivers, Ports, and Drainage Basins (and intervening areas) of Alaska. pp. 17384-7
18. INSPECTION SERVICES; IMPORTS. Passed with amendments H. R. 8582, to authorize the construction of a toll bridge across the Rio Grande near Los Indios, Tex. (a similar bill S. 2531 was indefinitely postponed) (pp. 17388-92), and H. R. 8694, to authorize the construction of a toll bridge across the Rio Grande at or near Rio Grande City, Tex. (a similar bill S. 2590 was indefinitely postponed) (p. 17392). Both these bills would affect this Department's inspection service costs regarding imports.
19. MUTUAL SECURITY APPROPRIATION BILL, 1960. Passed over, at the request of Sen. Morse, this bill, H. R. 8385. p. 17392
20. FOREIGN AID. Passed without amendment S. 1697, to amend the Mutual Defense Assistance Control Act of 1951 so as to permit, if the President finds it to be in the national interest, U. S. aid to any foreign country except Russia and Communist-held areas of the Far East. pp. 17401-2
21. APPROPRIATIONS; CLAIMS. Received from the President a supplemental appropriation estimate to pay claims for damages and a judgment rendered against the U. S. in the amount of \$323,629, together with such amount as may be necessary to pay indefinite interest (S.Doc. 56). p. 17342
22. INFLATION. Sen. Byrd, Va., termed inflation "our No. 1 domestic problem," and inserted two articles on the subject. pp. 17353-5
23. CONSERVATION CORPS. Sen. Morse inserted an article showing that Gov. Rockefeller favors youth camps for juveniles in New York and associated this position with the principle involved in S. 812, the Youth Conservation Corps bill, that has passed the Senate and is awaiting action in the House. pp. 17356-7
Sen. Randolph and others urged support in the House for the Youth Conservation Corps bill. p. 17362-3
24. FORESTRY. Sen. Moss praised the work of the Forest Service smokejumpers and others in alleviating the destructive results of the recent Montana earthquake. pp. 17359-60
25. CONGRESSIONAL RECESS. Sen. Smith urged support for her resolution to have Congress recess for a period each summer. pp. 17343-9
26. FISH AND WILDLIFE. Concurred in the House amendment to S. 1579, to authorize the appropriation of \$2,565,000 to Interior to undertake continuing studies of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife. This bill will now be sent to the President. p. 17407
27. INTERGOVERNMENTAL RELATIONS. Passed with amendment H. R. 6904, to establish an Advisory Commission on Intergovernmental Relations, after substituting the language of a similar bill, S. 2026, as amended. S. 2026 was indefinitely postponed. Senate conferees were appointed. pp. 17408-17
28. SMALL BUSINESS. Passed with amendment H. R. 8599, to provide an additional \$75 million for the Small Business Administration's revolving fund, after substituting the language of a similar bill, S. 2612, as amended. pp. 17427-8

terests will best be served by insistence upon fiscal responsibility in government. Whatever the outcome, I shall continue to work in the next and future sessions of Congress for completion of our flood protective system.

The **PRESIDING OFFICER.** The question is, Shall the bill (H.R. 9105) pass, the objections of the President of the United States to the contrary notwithstanding? A ye-a-and-nay vote is required by the Constitution, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll, and Mr. ALLOT voted in the affirmative when his name was called.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry, notwithstanding the beginning of the call of the roll, for clarification.

A vote "yea" is a vote to override the veto, and a vote "nay" is a vote to sustain the veto?

The **PRESIDING OFFICER.** The Senator is correct.

The Chief Clerk resumed and concluded the call of the roll.

Mr. MANSFIELD. I announce that the Senator from Idaho [Mr. CHURCH] is absent on official business attending the Interparliamentary Conference at Warsaw, Poland.

The Senator from Indiana [Mr. HARTKE] and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

On this vote the Senator from Idaho [Mr. CHURCH] and the Senator from Indiana [Mr. HARTKE] are paired with the Senator from New Hampshire [Mr. BRIDGES]. If present and voting, the Senator from Idaho and the Senator from Indiana would vote "yea," and the Senator from New Hampshire would vote "nay."

I further announce that if present and voting, the Senator from Wyoming [Mr. O'MAHONEY] would vote "yea."

Mr. KUCHEL. I announce that the Senator from South Dakota [Mr. CASE] is absent on official business attending the Interparliamentary Union Conference at Warsaw, Poland.

The Senator from New Hampshire [Mr. BRIDGES] is detained on official business.

On this vote, the Senator from New Hampshire [Mr. BRIDGES] is paired with the Senator from Indiana [Mr. HARTKE] and the Senator from Idaho [Mr. CHURCH]. If present and voting, the Senator from New Hampshire would vote "nay," and the Senator from Indiana and the Senator from Idaho would each vote "yea."

The result was announced—yeas 72, nays 23, as follows:

YEAS—72

Allott	Bong	Kennedy
Anderson	Frear	Kerr
Bartlett	Fulbright	Langer
Bible	Gore	Long, Hawaii
Byrd, W. Va.	Green	Long, La.
Cannon	Gruening	McCarthy
Capehart	Hart	McClellan
Carroll	Hayden	McGee
Chavez	Hennings	McNamara
Clark	Hickenlooper	Magnuson
Cooper	Hill	Mansfield
Dodd	Holland	Martin
Douglas	Humphrey	Monroney
Dworshak	Jackson	Morse
Eastland	Johnson, Tex.	Moss
Ellender	Johnson, S.C.	Mundt
Engle	Jordan	Murray
Ervin	Kefauver	Muskie

Neuberger
Pastore
Proxmire
Randolph
Robertson
Russell

Schoeppel
Scott
Smathers
Sparkman
Stennis
Symington

Talmadge
Thurmond
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—23

Aiken
Beall
Bennett
Bush
Butler
Byrd, Va.
Carlson
Case, N.J.

Cotton
Curtis
Dirksen
Goldwater
Hruska
Javits
Keating
Kuchel

Lausche
Morton
Prouty
Saltonstall
Smith
Wiley
Williams, Del.

NOT VOTING—5

Bridges
Case, S. Dak.

Church
Hartke

O'Mahoney

The **PRESIDING OFFICER.** On this vote the yeas are 72, and the nays are 23. More than two-thirds of the Senators present and voting having voted in the affirmative, the bill, on reconsideration, is passed, the objections of the President of the United States to the contrary notwithstanding, and the bill will become a law.

[Manifestations of applause in the gallery.]

Mr. BIBLE subsequently said: Mr. President, I ask unanimous consent that a statement I have prepared relative to the action of the Senate in overriding the President's veto of the public works appropriation bill be printed in the RECORD, in full, at an appropriate place immediately after the vote.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BIBLE

I was immensely pleased at the action taken by the Senate in overriding the President's second veto of the public works bill. It was a responsible action reflecting the considered views of reasonable men.

The bill that is now before us contains projects that are of vital importance to various sections of the country. Some have charged that this is pork-barrel legislation, which is a handy cliché to obscure its true merits. It is a known fact, Mr. President, that the money expended for reclamation projects is always repaid by the people who benefit from the projects. Public works is, as its name implies, designed for the benefit of the public.

The distinguished senior Senator from Washington [Mr. MAGNUSON] pointed out this week that the mutual security bill, now before the Senate, contains \$739 million for defense support, which is actually public works in foreign countries with American dollars. If we can afford to spend almost \$800 million for public works abroad, I can see no reason why we cannot spend an equal amount for public works projects at home.

In my own State there are reclamation and flood-control projects that will repay their cost many times over in terms of reduced damage from ravaging waters, additional irrigation, and power resources.

I am always mindful of the necessity for exercising prudence in the expenditure of public funds. There is a vast difference, however, between prudence and indifference. The Nevada projects contained in the bill before us now are not boondoggles; they are projects that have been determined by competent engineers as being vitally necessary to forestall the tragic consequences of floods that have caused millions of dollars of damage to the cities of Reno and Las Vegas since 1955.

The Senate has served clear notice that despite the action of the executive branch, we are not oblivious of our responsibilities in a matter which is of vital concern to everyone.

Mr. COOPER subsequently said: Mr. President, I regret very much to be in opposition to the President of the United States. Nevertheless I voted to override the President's veto of H.R. 9105, the public works appropriation bill, and for the following reasons:

I would be less than frank if I did not say that my chief reason for voting to override the veto is my concern that necessary flood protection be provided for large areas of my State.

Only 1 project of the 67 projects added by the Congress, or 62 new projects as contended by the committee, is situated in the State of Kentucky. It is known as Barren No. 2, a reservoir and flood control project which would be constructed at a location in Allen and Barren Counties on the Barren River. One million dollars is appropriated in the pending bill to initiate its construction. This dam and reservoir would be another step in the development of the Green River, which began in 1953 under this administration. In 1953 we were able to secure authorization from the Secretary of Defense for the reconstruction of locks and dams Nos. 3 and 4, and in that year also secured, first in the Senate, appropriations for the reconstruction of locks and dams Nos. 1 and 2. Since that time there has been progressive development of the Green River, and for the first time in a hundred years it has brought economic recovery to that valley.

Another unbudgeted project which affects Kentucky is not in Kentucky, but is very close to my heart. It is the Pound Reservoir located in Virginia, for which \$2½ million was recommended by the Senate Committee on Appropriations and then by the Senate, to begin construction. Its ultimate cost is estimated to be \$17,700,000. The watershed of the Big Sandy River lies in Virginia, West Virginia and Kentucky, but its chief area is in Kentucky. Since 1863 scores of floods have swept and devastated the valleys of the Big Sandy and its tributaries. In 1957 one of the greatest floods in its history swept this valley. According to the estimate of the Corps of Engineers, the damage from this flood was \$30,389,000. To this must be added the cost of restoration, the loss of business estimated at additional millions, and saddest of all, several of the people of this valley lost their lives.

Eastern Kentucky, by reason of the mechanization of mines and other causes, is a depressed area in the United States. One-fifth of Kentucky's people live in this great eastern section, a third of Kentucky's area. Three rivers water this section of Kentucky: The Big Sandy, the Cumberland, and the Kentucky. The future life of this part of Kentucky depends on the development of these three rivers, and particularly on provision for flood control. For years these three rivers and eastern Kentucky have been neglected. In 1957 a resolution which I offered ordered a survey of the upper Cumberland River to determine what reservoirs could be constructed to give flood protection to that area. Only in the last few days, two survey reports have been made—one on the Laurel River and one on the South fork, which are tributaries of the

upper Cumberland. Steady progress toward the completion of these projects is necessary if the area of the upper Cumberland is to have economic opportunity.

In 1954 I offered a resolution which authorized the determination of reservoir sites in the Big Sandy Valley and, as a result, Pound in Virginia and Fish-trap in Kentucky were selected as two reservoirs which will give substantial flood protection to the people living in the Big Sandy River Valley. Pound Reservoir in Virginia, included in this bill, is the first step in giving flood protection after the sweep of 100 years. The people of the valley from Kentucky and Virginia and West Virginia have pleaded before the committees of the Congress for flood protection, essential to their economic life, and to their very safety. The committees of the Congress have heard their pleas. I have stood with them, and for them, in their fight. And today I intend to stand with them.

Looking at the bill, it is correct to say that it will not have any impact on the budget this year. It is correct that over the construction life of the 67 unbudgeted projects, which average approximately 5 years, it will cost \$600 to \$800 million, or an average of \$120 to \$160 million a year over the construction of these projects. What is not taken into account is that in each of these 4 to 5 years ahead, budgeted projects now underway will be completed. The Corps of Engineers informs me that 40 of the projects in the 1960 budget will be completed in this fiscal year 1960, and their cost in 1960 is \$61 million. We can assume that in the succeeding 4 years, the completion of over 100 projects would reduce the budget estimates for those years, if we have the chance for a reasonable number of starts each year.

There is another factor important to the future of this country. The population of the United States for 1975 is estimated at 225 millions of people. If the need for water control, for industry, navigation, flood protection and conservation are to be met, there must be, year after year, an orderly increase in the number of new projects added to the budget to meet these essential needs of this country. Water is the most essential need. If the Bureau of the Budget continues to refuse to authorize a reasonable number of new projects each year, the Congress, which is cognizant of the needs of the country, has the authority and the duty to add necessary projects, to keep pace with the economic growth of the country and the life of its people. If the Bureau of the Budget would place in the budget each year a reasonable number of new projects for construction starts, the Appropriations Committee of the Congress could better limit and control the number added by the Congress.

As I have said, I regret very much that I find myself in opposition to the President on this issue. During my service in the Congress since 1953, I have supported the President on many of the issues which he has declared to be essential for the security and progress of the country. Among them were de-

fense reorganization, foreign aid programs, his recommendation to give continuity to the foreign aid program, his recommendation to authorize the Executive to enter into agreements with certain Iron Curtain countries, and reciprocal trade legislation.

In 1957 the President made a difficult decision when he urged the withdrawal of the troops of our allies and friends from Egypt. It was a difficult decision because Great Britain, France, and Israel are our friends. But it was the right decision because it was based upon the fundamental tenet of American foreign policy, that the disputes of the world must not be settled by force. I recall that I was one of three in the U.S. Senate who spoke in the Senate in support of the President's policy. And this year and last, I have supported him on many of his budgetary recommendations.

Perhaps these matters are not relevant, but I mention them to indicate that on these issues which the President stated to be of fundamental importance to the security of the Nation, I have supported the President because I believed he was right. But in this case I come here as a representative of the people of Kentucky. If I believed that this bill would have an adverse effect upon the Treasury of the United States over the construction life of these added projects, I would not vote for it. But I do not believe it will; it will develop the wealth of our country.

I believe the people of Kentucky should know that the great programs of river development in Kentucky—on the Ohio River, the greatest river development program in the Nation and the world, on the Green River, on the upper Kentucky, on the Big Sandy, and now on the upper Cumberland looking ahead—have all commenced since 1953. And for this, great credit is due the President and this administration. I am glad to have had a part in securing the commencement of each of these river developments.

Flood control, navigation, and power projects in Kentucky are in the bill, on the Ohio, Cumberland, Green, Kentucky, and Big Sandy Rivers and their tributaries. Also appropriations for surveys, advance planning and engineering, all totaling over \$66 million, are in the bill. Our Kentucky delegation in Congress, State authorities, and, most important, the people who live in these river valleys, have given their support to these programs.

Today it is my duty and my desire to support the people of Kentucky, the people whom I represent. Therefore I voted to override the veto.

AMENDMENT OF MINERAL LEASING ACT—CONFERENCE REPORT

Mr. ANDERSON. Mr. President, I submit a report of the committee on conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2181) to amend the Mineral Leasing Act of February 25, 1920. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). The report will be read for the information of the Senate.

The legislative clerk read the report. (For conference report, see House proceedings of September 9, 1959, p. 17318, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. ANDERSON. Mr. President, this is a unanimous report on the part of all the conferees. The managers on the part of the House and Senate have agreed on the differences between the bill as passed by the Senate and as amended by the House. The House made no change of substance, but it did add a new section, section 2, in which were set forth the purely transitory parts of the amendment to section 27 of the Mineral Leasing Act. The members of the Senate Interior Committee who had considered the bill, approved in general of the step taken by the House, but believed that the language could be still further improved. The conferees are convinced that the measure they agreed upon is in fact an improvement over the version approved by either House. There is, of course, no change whatever in substance or intent.

Mr. President, I move the adoption of the conferees' report on S. 2181.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

SALE AT MARKET PRICES OF CERTAIN AGRICULTURAL COMMODITIES OWNED BY COMMODITY CREDIT CORPORATION

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2504) to authorize the sale at market prices of agricultural commodities owned by the Commodity Credit Corporation to provide feed for livestock in areas determined to be emergency areas, and for other purposes, which were, on page 1, line 5, strike out "market" and insert "current support"; on page 2, line 1, after "may" insert ", after certification by the Governor of the State in which such area is situated of the need therefor,"; on page 2, lines 3 and 4, strike out "or other catastrophe," and insert "earthquake, or other catastrophe including disease or insect infestation,"; on page 2, line 19, after "purpose" insert ", and in addition shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than \$1,000 or imprisonment for not more than one year"; on page 2, strike out line 20 over through line 3, on page 3; and to amend the title so as to read: "An act to authorize the sale at current support prices of agricultural commodities owned by the Commodity Credit Corporation to provide feed for livestock in areas determined to be emergency areas, and for other purposes."

Mr. MUNDT. Mr. President, I believe the amendments added by the House are rather helpful to this proposed legislation. Rather than send this bill to conference in the closing days of this session, I move that the Senate concur in the amendments of the House. The House amendments preserve the original purpose and program of S. 2504.

Mr. MORSE. Mr. President, may we have an explanation?

Mr. MUNDT. I will be happy to explain it. May I say to the distinguished Senator from Oregon that this provides—

The PRESIDING OFFICER. The Senator will suspend. There are too many people walking about and conversing in the aisles. Senators wishing to converse will please retire to the cloakroom. Members will take their seats.

The Senator from South Dakota may continue.

Mr. MUNDT. Mr. President, the proposed legislation which I introduced on August 7 and which passed the Senate on August 26 deals with situations in rural areas where such areas are suffering from a shortage of feed supply caused by natural causes, such as presently appear in certain areas of the Midwest because of drought. However, the legislation is broad enough to include such things as flood, insect damage, or something of that kind. Under present law, in order for the farmers to be benefited under these emergency situations which develop, and are not of a sustained nature over a great many years, but occur in certain areas for a shorter period of time, farmers have had to be charged 105 percent of the price, plus carrying and handling charges.

Mr. HUMPHREY. May I ask the Senator from South Dakota, the bill as it came from the House had different language than the bill as passed by the Senate.

Mr. MUNDT. Yes; in some of its provisions.

Mr. HUMPHREY. What has been proposed?

Mr. MUNDT. I moved to concur in the House amendments.

Mr. HUMPHREY. The Senator has moved to concur in the House amendments so as to expedite action?

Mr. MUNDT. That is correct. This is a matter of an emergency nature and I would like to get it finalized before adjournment.

Mr. HUMPHREY. This bill covers some feed grain situations not only in South Dakota, but wherever there is a drought, including western Minnesota.

Mr. MUNDT. That is correct. In some areas changes made by the House would make feed grain a little bit cheaper; in some places it would make it cost a little more. The purpose is to expedite action at this time.

Dr. Harker Stanton of our Senate Agriculture Committee professional staff has supplied figures to show that in actual practice the prices paid by farmers for these emergency feeds would average out about the same whether we employ the language of the House or the Senate. In adding earthquakes and insect infes-

tation to the disasters covered by my bill the House has helped the legislation by expanding its coverage. I urge concurrence and ask for immediate passage of S. 2504, as amended.

Mr. HUMPHREY. I believe it is a good change, and I am pleased that the bill is being enacted.

I think the change is very good, and I am pleased that the bill is being acted upon.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Dakota.

The motion was agreed to.

PERMANENCY OF CERTAIN LOANS BY SECRETARY OF AGRICULTURE—CONFERENCE REPORT

Mr. HOLLAND. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7629) to make permanent the authority of the Secretary of Agriculture to make loans under section 17 of the Bankhead-Jones Farm Tenant Act, as amended, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report. (For conference report, see House proceedings of September 3, 1959, p. 16512, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. HOLLAND. Mr. President, this is a unanimous conference report. All conferees of the Senate and the House have signed the report, and have agreed wholeheartedly upon its provisions.

This bill relates to an amendment to that section of the Bankhead-Jones Farm Tenant Act which relates to the refinancing of mortgage loans on real estate.

There were very small differences between the Senate language and the House language. The Senate language would have continued the provision in question for only 2 years. The measure as passed by the House provided for permanent enactment of that section. The Senate prevailed as to that portion of the matters in conference. In other words, the bill as reported from the conference is an extension for 2 years only of the refinancing provision of the act.

With respect to the other provision which was in conference, it had to do with enlarging somewhat the list of property items which can be offered as security, so as to include with other items already covered by the existing law, growing or recently harvested crops, which were not clearly included in the Senate bill. The House measure did include such new properties, and the conference report adopts that provision from the House bill.

The differences were minor. They have been adjusted.

I ask that the conference report be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

EXECUTIVE PRIVILEGE IN CONNECTION WITH FOREIGN AID FUNDS

Mr. ROBERTSON. Mr. President, on behalf of the senior Senator from Louisiana [Mr. ELLENDER], the senior Senator from Minnesota [Mr. HUMPHREY], and myself, I send to the desk an amendment to the committee amendment to section 113 of H.R. 8385 and ask that it be printed.

Section 113 of the so-called foreign aid bill is substantially the same language that was incorporated in the authorization bill on the House side and known as the Porter-Hardy amendment. It requires the Administrator of ICA, upon request either of a congressional committee or the Comptroller General, to give detailed information concerning the handling of ICA funds. In approving the authorization bill the President challenged the constitutionality of the Hardy amendment and in view of the many historical precedents that have been cited in support of the President's position with respect to withholding information from the Congress, the Senate Appropriations Committee struck out section 113 of the foreign aid bill and inserted in lieu thereof a provision for formal reports to the Appropriations Committee, one to be made within 60 days following the enactment of the appropriation bill and the other within 30 days after the approval of any change in the program for the current fiscal year involving \$1 million or more. While no valid objection could be raised against reports of that character, it could not be seriously argued that they are more than a nominal substitute for the type of information contemplated by the Porter-Hardy amendment.

The addition to section 113 which we are now proposing takes cognizance of the objections raised against the House amendment by the Administrator of ICA. Yet, it seeks to preserve the constitutional right of the Congress to obtain necessary and vital information from the executive branch of the Government concerning the manner in which the taxpayers' money has been spent.

Under the Constitution, the legislative branch of the Government has the exclusive power to appropriate money from the Treasury. That constitutional power, of necessity, includes the power to obtain all necessary information as to the expenditure of appropriated funds. The Constitution explicitly requires the President to give to the Congress from time to time information concerning the state of the Union, and that must embrace the fiscal condition of the Government and the disposition of its revenues. Under the Constitution, the power to execute foreign policy reposes in the President as Chief of the executive branch of the Government. In recent

years, the conflict of constitutional rights between the legislative and executive branches of the Government over the handling of appropriated funds has occurred more frequently because funds appropriated by the Congress for foreign aid have been used by the President as an instrument of foreign policy.

In recognition of the President's assertion of right to withhold information from the Congress concerning his handling of foreign policy when he thinks disclosure would not be in the public interest, our revision of section 113 provides that the Administrator of ICA can be relieved of furnishing information requested thereunder if the President certifies that in his opinion the disclosure of the information requested would be contrary to the public interest. The revised amendment also provides that the request for information shall be in writing, directed to the Administrator; and the penalty for failure to furnish the information will be the impoundment of the appropriation for the specific country or the specific project involved.

In order that Members of the Senate, before H.R. 8385 is acted on next Saturday, may know the exact language we are proposing as a substitute for section 113, I ask unanimous consent that our amendment may be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, the amendment may be printed in the RECORD.

The amendment is as follows:

On page 10, between lines 17 and 18, insert the following:

"(d) None of the funds herein appropriated shall be used to carry out any provision of chapter II, III, or IV of the Mutual Security Act of 1954, as amended, in any country, or with respect to any project or activity, after the expiration of the twenty-day period which begins on the date the General Accounting Office or any committee of the Congress, or any duly authorized subcommittee thereof, charged with considering legislation or appropriations for, or expenditures of, the International Cooperation Administration, has delivered to the office of the Director of the International Cooperation Administration a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material relating to the administration of such provision by the International Cooperation Administration in such country or with respect to such project or activity, unless and until there has been furnished to the General Accounting Office, or to such Committee or Subcommittee, as the case may be (1) the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested, or (2) a certification by the President that he considers the disclosure of such document, paper, communication, audit, review, finding, recommendation, report, or other material to be contrary to the public interest, and has forbidden its being furnished pursuant to such request.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. HUMPHREY. The Senator has explained the adjustments made in the amendment with respect to the Mutual Security Authorization Act, which I

thought was desirable, and which I was privileged to cosponsor. I am very happy that these modifications have been made. I believe that this amendment protects the executive privilege so far as foreign policy matters are concerned.

On the other hand, it gives the Congress, a coequal branch of the Government, the authority it needs in order properly to ascertain what is being done with authorized and appropriated funds.

Mr. ROBERTSON. The Senator is correct. Whenever the President believes that foreign policy, which is under his jurisdiction, is involved, he can merely say, "It is against the public interest to give you this information." I do not believe that the President has the constitutional right to deny the Congress information as to what he does with the money we appropriate. There has been no judicial decision to that effect, and I do not know of any President who has ever claimed such a right. The question has arisen only when our foreign aid money has become involved in foreign policy.

The amendment does not mean that Congress can get everything it requests. The executive branch can mark anything "Top Secret," and I believe everybody who receives such material under those terms will honor that classification.

Mr. HUMPHREY. Indeed, it will be even more honored if it is given in a spirit of cooperation, along the lines outlined in the amendment. I hope the amendment will be adopted.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. MORSE. I think the Senator from Virginia knows that I have taken a very active part in the Committee on Foreign Relations in pressing for the very same thing which the Senator from Virginia is standing for this afternoon. If he has no objection, I should like to join with him as a cosponsor of the amendment.

Mr. ROBERTSON. The Senator from Virginia would be glad to have the Senator from Oregon enlisted as a cosponsor of the amendment.

Mr. MORSE. The Senator from Virginia has made what I consider to be an unanswerably sound constitutional law argument with respect to the appropriation power of the U.S. Congress. I have always defended Presidents in their right, under the Executive powers doctrine, to Executive privilege. But Executive privilege does not mean that the President can estop Congress from following the funds it appropriates. Congress has the constitutional power to follow the funds it appropriates. The fact that Congress appropriates funds does not mean that Congress has lost control of the funds. It is possible to get two constitutional rights somewhat at loggerheads.

The Senator from Virginia has recognized that. He has placed in the amendment language which makes very clear that Congress will not trespass upon the Executive privilege power of the President of the United States. But we are

saying, "If you refuse to give us the information we need as to what is happening to the funds we have appropriated, then we want you to know we are impounding those funds as of now." In other words, we are putting that condition on the appropriation.

In my judgment, it is completely compatible with our constitutional power, and it is something we should do, because the President is guilty of abusing the doctrine of Executive privilege. The doctrine of Executive privilege does not mean that the President must exercise such privilege under any and all conditions. As I said in a speech some weeks ago on this matter, even George Washington made perfectly clear, on the rare occasions when he exercised the Executive privilege, that ordinarily the President of the United States should grant Congress the information it needs.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). The Senator from Oregon will suspend until the Senate is in order. Senators who wish to converse will please, please, please retire to the cloakroom. The Senator will not proceed until the Senate is in order.

The Senator from Oregon may proceed.

Mr. MORSE. Mr. President, it has been only in rare, extraordinary circumstances that Presidents in the past have denied to Congress the information which Congress has sought in regard to a program which has been followed in connection with the expenditure of funds appropriated by Congress.

I hope to have available for the Senate by Saturday a list of the precedents in respect to the exercise of executive privilege by the preceding Presidents, because I think it becomes very enlightening as to what this President has been doing in connection with doctrine in comparison with his predecessor.

ADVISORY COMMISSION ON INTER-GOVERNMENTAL RELATIONS

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (S. 2026) to establish an Advisory Commission on Inter-Governmental Relations.

INVITATION TO FRIENDLY AND DEMOCRATIC NATIONS TO CONSULT WITH INDIA

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 591, Senate Concurrent Resolution 11.

The PRESIDING OFFICER. The concurrent resolution will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A concurrent resolution (S. Con. Res. 11) to invite friendly and democratic nations to consult with India.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the con-

2

Public Law 86-299
86th Congress, S. 2504
September 21, 1959

AN ACT

73 STAT. 574.

To authorize the sale at current support prices of agricultural commodities owned by the Commodity Credit Corporation to provide feed for livestock in areas determined to be emergency areas, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 407 of the Agricultural Act of 1949, the Secretary of Agriculture is authorized to sell, at current support prices, any wheat, corn, oats, barley, rye, or grain sorghums (hereafter referred to as feed grains), owned by the Commodity Credit Corporation, to provide feed for livestock in any area determined by him to be an emergency area under section 2.

Agriculture.
Livestock feed.
63 Stat. 1055.
7 USC 1427.

SEC. 2. The Secretary may, after certification by the Governor of the State in which such area is situated of the need therefor, designate any area as an emergency area for the purposes of this Act if he determines that, as a result of flood, drought, hurricane, tornado, earthquake, or other catastrophe including disease or insect infestation, there is a shortage of feed for livestock in such area.

SEC. 3. The Secretary shall not sell feed grains under this Act to any person unless he is satisfied that such person does not have, and is unable to obtain through normal channels of trade without undue financial hardship, sufficient feed for livestock owned by him, and unless such person agrees to use the feed grains only for feed for such livestock.

SEC. 4. Any person who fails to carry out an agreement entered into under section 3 with respect to any feed grains purchased under this Act, or who disposes of any such feed grains other than by feeding to livestock owned by him, shall be subject to a penalty equal to but not in excess of the market value of the feed grains involved, to be recovered by the Secretary in a civil suit brought for that purpose, and in addition shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than \$1,000 or imprisonment for not more than one year.

Approved September 21, 1959.

